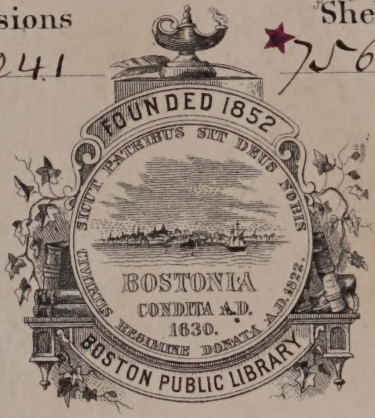
BOSTON PUBLIC LIBRARY
3 9999 08631 667 4

Accessions
391,241

Shelf No.
75 60a. 16



Received Jan. 1, 1887.

Boston Public Library.

2761

PAMPHLETS.

Government.

PUBLIC LIBRARY OF THE CITY OF BOSTON

PUBLIC LIBRARY
OF THE
CITY OF BOSTON

R.H.
391.241
Jan. 1, 1887

THE PRACTICAL WORKING

OF

OUR GOVERNMENT.

AN ADDRESS DELIVERED BEFORE THE

YOUNG MEN'S CHRISTIAN UNION,

IN BOSTON, MARCH 15TH, 1873.

BY GAMALIEL BRADFORD.

BOSTON:
A. WILLIAMS AND COMPANY,
135 WASHINGTON STREET.
1873.

THE PRACTICAL WORKING OF OUR GOVERNMENT.

With the passage of another decade we shall have completed the first century of the establishment of our national government. It was quite natural that the first half of this period should be passed in mutual and boastful congratulation; that Fourth of July and other occasional orations should abound in flowing periods of exultant rhetoric. For in the history of the world it was the first instance of a government by and for the people. The governments of Greece and Rome, even in republican days, with the exception of the municipality of Athens during a short period, were aristocratic. The English Revolution of 1688 was a victory of the aristocracy against the crown. The French Revolution, which swept away with such a fearful outbreak both monarchy and aristocracy, was subsequent to, and in part a consequence of, ours. And all the convulsions by which the peoples of Europe as well as other parts of the world have since struggled for liberty have had reference to the successful example of the United States.

But our institutions were unique also in another respect. They formed the first example of an *a priori* scheme of government. All others had grown up gradually by tradition, and through all their changes had preserved something of their previous history. Our Constitution alone was drawn up on paper by an assembly of men acting for a nation yet to exist. Like all other preconceived theories, therefore, it required success in operation as the final test. If an inventor brings forward a machine for some industrial process, he may dwell at length on the fitness of its parts, and may prove with perfect logic that they are exactly suited to its object; but one question overrides his whole argument. Will it work? And when the trial comes on, no one will watch it more carefully than the inventor. He will eagerly spy out every defect, and apply all his faculties to devising remedies. In the case of the grand machine of our government, we have inherited the responsibility of the inventor. It is for us to watch with unsparing criticism over its defects, and to endeavor to correct them. The city of Boston has for its motto these words, "As God was to our fathers, so may He be to us." If we expect this prayer to be answered, we must have for our device, "As our fathers were to us, so must we be to our children."

It is not to be denied that men are beginning to hesitate as they speak of ours as the best government the world ever saw. During the twenty-five years' struggle with slavery the national vision was much obscured. When a man's house is on fire, he deserts his other even most pressing business to attend to this. Every evil was charged, as, indeed, many of them belonged, to the barbarism of slavery, or the fanaticism of abolition. But with the close of the war, power still remaining with the Republican party, which had earned the confidence of the people, many grievous difficulties became apparent. On all hands reforms were urgently demanded, — in the civil service, in the tariff, in the direction of specie payments, in the state of the South, in the power of corporations, and special legislation. Is there any progress to show in any of these? The press exhausts itself in appeals to pub-

lic opinion. Session after session of Congress, six months at a time, is passed in bunkum speeches and personal abuse, yet each year business is resumed at precisely the same point, and given up with the same absence of progress.

The late presidential election illustrates in a melancholy manner the absence of real issues in politics. President Grant's strength lay in his war record. The defence of his administration turned chiefly upon the honest conduct of the finances, that is, his officers did not steal the public money, and, having a revenue much larger than the expenditure, paid off some of the funded debt. This was doubtless a good deal, but it was rather negative praise. What was offered on the other side, I need not state here. A candidate was elected on the ground that he would do no harm against one whose surroundings threatened a very great deal. The principles advanced on behalf of both candidates were about the same,— and as there was very little prospect that either would carry them out, the contest was reduced pretty much to a squabble about personal characteristics.

A great deal is said about producing reforms through the education of the people. But setting apart the doubt whether the next generation as a whole will be any better educated than the present, it is clear that no amount of education will ever unite a majority upon a question of complicated detail. The people are already sufficiently educated to demand civil service reform, but if every one of the forty millions had the highest common-school education, they would be in no way more likely to agree as to the method of accomplishing it.

Being well aware that perfection is not to be expected in human institutions, I am yet sure the labor is not thrown away which endeavors to search out the cause of existing evils in the hope of finding a remedy. Do not suppose that I am about to advocate any overturn or violent reorganization of our governmental arrangements. The change which I have presently to indicate is so slight and simple that it may perhaps appear to you wholly inadequate.

If we follow the deliberations of the framers of our Constitution, we find that the mainspring of their action was dread of executive power. They had learned to regard it as the one evil of earthly government. Whether they were Puritans in New England, Quakers in Pennsylvania, Cavaliers in Virginia, or Huguenots in Georgia, one and all had fled from their homes to escape the oppression of kings and princes. Their fixed determination was to entrust no man with any dangerous power, but to confide all legislation to the popular representatives. Keeping this in view, let us consider, first, the legislative branch of the government which they established.

Congress is composed entirely of local representatives, having each precisely equal power; that is, you observe, no one being entitled to any precedence. It is true, they have a Speaker, but his function is merely to guide the order of business, though he has come also to have the very dangerous power of the appointment of committees. The perfect chaos of resolutions, bills, petitions, etc. (amounting during this last session to between 3,000 and 4,000), coming from so many equal authorities, rendered it necessary at the earliest moment to appoint standing committees for the different classes of subjects, and to establish the rule that no business should be even discussed without being referred to and reported upon, that is, approved by, a committee. Observe, further, that these committees sit practically in secret; for whatever may be the theory, the fact is, that the country knows little or nothing of their deliberations. Think of this for a moment! A dozen or so of men, appointed on committee from their acquaintance with, that is, their private interest in, the special subject, and sitting in secret, have power to dictate what measures shall or shall not be considered in the national legislature. Is that the republican theory of government? It is true, the

House may instruct a committee to report a bill; but besides the ease of evading the spirit while adhering to the letter, as the majority of the House is on the same side with the majority of the committee, the former is not likely to be very active in this direction.

This state of things is made worse by the total want of definite responsibility anywhere. Committees are not responsible, because it rests with the Houses to pass or reject bills. The Houses evade responsibility doubly, because the committees prepare the bills, and because the legislature has nothing to do with executing laws; and the latter may fail either because badly made or badly executed. The Executive cannot fairly be held responsible for the effect of laws which it had no hand in making. Add to all this that the Senate and House are both constituted on the same principles, both resort in the same way to committees, and both have exactly equal rights in proposing laws, except as to finance and foreign affairs, the distinction as to these even being by no means rigidly observed. Such complete chaos and confusion are fatal to intelligent and systematic legislation.

What are the springs of action in the committee? Every member has a direct and strong local, with but a very feeble national, interest. Most of the members, too, having an interest in the business before other committees, there is a strong temptation to trade. Again, as the business of committees is to suit the Houses rather than the public (for the Speaker, who is chosen by the House, has the appointment of committees), their reports are much more likely to be made acceptable to those bodies than with a view to their effect upon the national interest. Real debate in the House has been suppressed, and in the Senate amounts to nothing. The basis of legislation having been arranged in committee, no individual is strong enough to create effective opposition in the Houses, while all are freed from responsibility by following committee reports. There is no one who is bound by his position or interest to look after the national interest, or who from a position of authority can appeal to the nation against private or local jobs. In matters of private interest, votes are secured by lobbying or trading; in those of public, by party whipping in.

Everything being thus silently managed by majorities and minorities, individual character counts for nothing. There is no opportunity for distinction, even in the eyes of constituents. This being so, and the pay being small for a professional man of any standing, the best men will not enter the lists. Hence the tyranny of primary caucuses. There are no men of ability who in public life have worked themselves up to distinction. Politicians, with private ends to accomplish, manipulate nominations, and voters are forced by party considerations to accept a choice of evils, of course, with very little of active interest or enthusiasm. It is often remarked that we had formerly such men as Adams, Webster, Clay, and Calhoun, in Congress, and why not now? It is just because one generation sufficed to show plainly that under our system public life offers no inducement to talent or industry; that the merest trickster in caucus wire-pulling has long odds against the finest intellect or the most devoted patriotism. While, however, the character of congressmen tends steadily to mediocrity, I do not believe there is much room as yet for the charge of corruption. Though there is a vast amount of rumor, there is very little evidence of any direct giving or taking of bribes; even the panic which so lately made members apparently forswear themselves for fear of false construction in the case of petty sums received without suspicion of wrong, though it may show great weakness, shows, also, a total want of practice in dealing in bribes. The great ground of complaint is, that members are occupied in pushing private schemes, and gaining that assist-

ance by mutual support which is called log-rolling. But this is exactly what they are sent there for. A member has little or nothing to expect from the nation. He has everything to expect from his district and State. We cut the country up into three hundred or more fractions, make every member dependent on a fraction for his seat, and then wonder that he looks out for the interest of that fraction, instead of that of the nation, which has no representative.

We come next to the Executive. An impression prevails, and is studiously encouraged by Congress, that the President has enormous powers, and can be kept under control only by Congress. Neither of these propositions is in accordance with actual facts. There is not a more pitiable position of helplessness than that of a President who will not stoop to underhand means. He can ask for legislation, can lobby for it as any other man can. But if it is not granted he has no appeal and no remedy. Any messages he may send to Congress, and the reports of heads of departments are referred, like all other business, to the committees, from which they may or may not receive attention, exactly as suits the purposes of members of Congress. Of course the Executive cannot condescend to use the newspapers, and the cabinet officers, in stumping the country, dare not attack Congress, upon which they are so completely dependent. Being thus powerless to procure legislation, the president is almost equally so to prevent it. No matter how absurd or inconsistent or corrupt may be the laws imposed upon him (even his veto may be overridden by a two-thirds vote), he has nothing to do but to put them in force more or less effectually, and then be made the target of abuse for the want of satisfactory results.

One power the President has, and but one, viz. that the appointments to some sixty thousand offices require his personal sanction. This is the instrument which preserves harmony between the two branches of the government. A vast net-work is spread over the country, the nominations to Congress and those to other offices being made matters of mutual bargain and sale. But to all this the assent of one person is necessary, viz. the President. It is obvious, therefore, what gigantic power the President in this respect does actually hold.

It is hardly too strong, therefore, to say that the man who becomes President of the United States must make up his mind to act the part either of knave or dupe. If he is an honest man he can accomplish nothing, and must have the odium of measures to which he is entirely opposed. If a knave, he can laugh at the want of nominal power, because he holds in his hand a weapon which will secure almost any private end he pleases. There is no need of dwelling here on the infinite evil and disgrace of our civil and diplomatic services. The cry for reform is useless, until some legitimate means of defence and self-assertion is given to the Executive to replace this, the only, though very dangerous, resource which he possesses.

I have said that our fathers endeavored to find security against the Executive by jealously limiting his power. They seem not to have perceived that they thereby lost a still more effective means to this security, that is, responsibility, which without definite power is merely a name. I will ask you to follow this carefully. At present, whatever an executive officer may do, he can only be reached through a resolution of inquiry passed by a majority of one of the Houses, to which the officer, replying in writing and at an interval of time, may make just as complete or evasive answer as he pleases. Investigating committees are another method of reaching the Executive. But such committees are and can only be ordered by a majority of one or both Houses; and as the majority of the committees is of course on the same side, the report might as well be written before they are appointed. Thus, in negotiating the first conversion of five-twenty bonds, Mr. Boutwell did violate the law as far as plain words

have any meaning. The committee of Congress made report, not that Mr. Boutwell was justified by circumstances in his action, which apparently was the case, but that he did not violate the law. It was just in this way that Floyd and Jefferson Davis carried on the machinations which came so near ruining the country. In like manner, I presume, no one doubts that the New York custom-house has long been a nursery of corruption. Yet, of a committee of Congress appointed to investigate, the majority, among whom was at least one man of high and estimable character in private life, deliberately reported that everything was in satisfactory condition, and that no blame was to be attached to the administration. In short, if the majority of Congress is against the President, he can do nothing; if it is with him, he can do almost anything.

Now review this picture for a moment. Members of Congress elected by the efforts of office-seekers, to whom they are bound. All the offices available for these elections in the gift of the President. The President so placed as to be absolutely dependent upon a congressional majority, powerless without it, almost omnipotent with it, and holding in his hands the means of buying this majority. If we consider the vicious circle in which all this revolves, I think we can only wonder that our government is as pure and efficient as it is.

Thinking men look aghast at each other as they talk of these things, asking what they lead to in the future; but they hold it the part of patriotism to believe that, in one way or another, our affairs will come out right. The newspapers and popular authors call aloud upon public opinion. But public opinion has not preserved us from the evils, and, with the influx of foreign population and the extension of the suffrage, is not likely to be any more effective for our recovery. It is like urging an increase in the power of a steam-engine, when the connecting rod or revolving band is wanting. There is nothing to transmit the force.

Many years of study, observation, and reflection have forced upon my mind the conclusion, that the connecting rod is in our case to be found in the introduction of Cabinet officers to seats, even if without votes, in Congress. You may smile at the inadequacy of the idea. How can a mere change in the mode of conducting business, produce such great results? It is like giving bread pills for typhus fever. I shall hope to be able to remove this impression from your minds.

The first and great point is, that the nation as a whole would have a representative in the discussion of legislation. Bear in mind that the Executive, and he alone, is the elect of the whole people. The Cabinet officers are appointed by him, and their interests are united with his. At present he has no direct communication with his constituents. Cabinet officers may stump the country, but they do it in the interest of parties in Congress. They cannot claim the merit of laws, with the making of which they had nothing to do; they are obliged to make labored defences for shortcomings for which they may not be at all responsible. The miserable personalities which disgraced the late campaign, and which are the subject of deep regret to all respectable papers and persons, result from the simple fact, that the Executive is a mere puppet; that he has done and can do nothing to form a sufficient basis of discussion (except so far as he is made a scapegoat for the sins of Congress), nor can an incoming candidate promise anything more. Apart from the facts of private life, which ought never, or in a very slight degree, to be brought into an election, the one question is, What will he do with the offices?

But suppose that the Secretary of the Treasury were to bring in a comprehensive and detailed scheme for the management of the finances and the tariff, and for the reform of the civil service; the Secretary of the Interior, for the mode of treatment of the Southern States; the Secretary of

State, for the reform of the diplomatic service; the Secretary of the Navy, for the restoration and improvement of our shipping; the Postmaster-General, for the management of the telegraphs,—the attention of the country would at once be arrested. And if these plans were conceived, as they would naturally be, from a national point of view, as against private and local interests, it is safe to say they would meet a response from the country which would require Congressmen to appear before their constituents in a very different attitude from anything which we now see. The recent vote of back pay to themselves by members of Congress would have been hardly possible, if a national guardian of the treasury had stood on the floor to protest before the people. And that vote shows, moreover, how Congressmen are coming to rely less and less upon their public acts, and more upon manipulation of primary meetings.

The second point I would make, is, that instead of the distracted state of business arising from three hundred members of equal power, and requiring the reference of all business to standing committees, there would be such concentration as would admit of public discussion in the whole House and before the country. Whatever might be done during the rest of the week, on government days the debate would be limited to the one subject or plan in hand, and motives and arguments would be forced out in a way to give the public what they very much need, full light upon the way in which their interests are handled.

The third point of gain, and one of inestimable importance, would be in increased *continuity* of legislation. At present, the committees are appointed anew at each Congress; and being, as has been said, occupied with the immediate interests of their constituents, with trading with other committees, with availability in the House, and, above all, with the momentous disposition of offices on which their seats depend, they have little inducement to study up questions in their national bearings, or to see that present legislation has any relation to past or future. Hence, that uncertain and fluctuating state of the laws which is the despair of men of business, and which renders impossible that course of continuous experiment and progress upon which the welfare of nations, as well as of all private business, so intimately depends. It may be said that this is the business of the chairman. But I appeal to any chairman who has spent the interval of sessions in laborious study of his subject, whether he has not found, on producing the results of his labors in committee, that he has simply wasted his time. Moreover, the chairman has none of the authority which comes from the responsibility of execution.

The Cabinet officer, on the other hand, being dependent upon successful working as well as conception, would be bound in his own interest to avail himself of every possible resource, and having further to make himself acceptable either to Congress or the country, or both, would be forced to master his subject thoroughly and to show the logical sequence of his ideas. The labors and acts of his predecessors would enter as an immediate element into his own devices.

A fourth consideration of importance is, that the constant test of individual ability would develop prominent candidates for high executive office. Under the present system of majorities and minorities, of the mere counting of heads, an incoming president is forced to select his Cabinet at random, or from political considerations of party. Can anything be more absurd, or more clearly illustrate the predominance of local over national interest, than that the president should be expected to apportion the Cabinet officers among the different States and sections? Without invidious dwelling upon names, a general allusion to the history of President Grant's Cabinet will illustrate these points. But if during the sessions of Congress constant public debate took place upon specific plans of gov-

ernment administration, the strongest minds would soon assert themselves and furnish obvious candidates for the Presidential selection. This opportunity of working upwards by individual talent and industry would also furnish a new attraction for men of ability to enter public life.

Still another advantage would be found in an improvement of the tone of Congressional debate. A shrewd writer upon government has said: "If you assemble the ablest legislative body, and give them nothing to do, they will quarrel about that nothing." It is precisely because, under the present system of doing all real work in committees, Congress has practically nothing to do, that members spend their time in those personal conflicts of abuse which are so mortifying to every spectator, and tend to bring the whole body into contempt; or in committees of investigation, the results of which generally call to mind the fable of the mountain bringing forth a mouse. Public debate upon important business, would soon moderate the tone and make argument about things take the place of that upon persons, with much less of intemperate language. And such a change would soon be reflected in the public press, a consideration which alone, if it were really attained, would go far to justify the movement proposed.

Of course the first outcry on the part of Congress and of office-trading politicians would be against giving increased power to the Executive. I have remarked that before we can take away the illegitimate and corrupt power contained in the disposal of offices, we must provide some lawful and proper powers to take the place of this, the only, though very great power which the President now possesses; but besides this, any such increase of power would be more than offset by, not the increase, but the creation of direct responsibility. If the heads of departments stood upon the floor of Congress, any individual could rise in his place and put questions which can now be only reached by the cumbrous investigating committees upon a vote of the majority of the houses. And such head of department, knowing by virtue of his office all that is now extracted from a number of witnesses after a protracted examination, would not dare to let such a question go unanswered; but on the contrary, if he was what he ought to be, would be glad of the opportunity of defending his administration.

We should then, too, have the inestimable advantage of a real efficient opposition; whereas, as has been remarked, if the Executive and the majority of Congress are now in accord, the opposing minority are totally powerless to act as a check upon the doings of the administration. Again, if a president should be elected and prove to be totally opposed to the wishes of Congress and the country, as in the case of the late President Johnson, he cannot now be reached except through impeachment and trial, to the infinite detriment of the tranquillity and business of the country. Under the new system, the immediate and public responsibility of his Cabinet officers before the country would be a protection against any gross acts of illegality or arbitrary power. It may be said that the attacks of the opposition would be so harassing as to make the post of Cabinet officer almost untenable. Doubtless it would require a degree as well as kind of ability very different from what we have been accustomed to witness, but that is not an evil. And it must be remembered that these attacks would be made under the public eye. An over-factious criticism would at once create public sympathy for the abused official, and damage the party which made it. If questions were put which could not be answered without detriment to the public interest, the official would decline to answer and claim the forbearance of the House, and the arbiter, in the shape of public opinion, would lend him a powerful support.

Finally, if members began to place

themselves before their constituents on the basis of talent and public service, the evil expedient of using offices to procure nominations would fall into disuse, and prepare the ground for effecting civil service reform.

No allusion has thus far been made to the third branch of the government, the judicial. It implies something of presumption, on the part of one who lays no claim to legal knowledge, to undertake such criticism. I speak, however, as a practical man, and subject to correction by professional men. The Supreme Court of the United States is the ultimate arbiter in national and inter-State disputes, the final authority which, in extreme cases, is to save us from civil war. Of course it is all important that it should be kept wholly free from the impulses of political passion, and the hotter the public excitement, the more calm and judicial should be its attitude. This is necessary to preserve the public reverence for its decisions.

At present, acts of Congress are passed with but little reference to the Court. They become law and enter into the practical life of the people. Important interests become involved, so important, that by and by private citizens are induced to incur the expense of bringing a case before the Court. An adverse decision at once places the latter in hostility to the Legislature, present or past, and *any* decision stimulates private and class interests to bitterness or opposition. The case of the Legal Tender Act will perfectly illustrate this. In 1862, Congress passed a law that what we call greenbacks should be a legal tender for public and private debts. Very many persons believe that this was one of the vital means of saving the Union. At any rate, whether it was so or not is wholly a matter of opinion. No man can say with certainty what the result would have been if it had not been passed. Years elapsed. We had got the benefit of the Act and wished to get back to specie payments. It was thought that one way to do this was to have the Act declared unconstitutional by the Supreme Court. A case was accordingly brought before that body and a decision procured against the validity of the Act as applied to contracts made before the war, and pointing strongly against those made since. Nothing could be more clumsy or absurd than a resort to this high tribunal to get us out of a financial scrape. A decision to this effect, which should have been operative, whatever its ultimate result, would unquestionably have brought on extensive commercial disaster with a collapse of values and the ruin of thousands of families. But the most monstrous thing about it was the position of the Chief Justice. Mr. Chase was Secretary of the Treasury at the time the Act was passed, and was urging its passage upon members of Congress. Some particulars about this I have received from Hon. Charles Sumner. Several senators had expressed their intention of voting as Mr. Sumner did. The latter, after much hesitation, was inclined to regard the law as necessary. As the vote was coming on, Mr. Chase was in the lobby and Mr. Sumner went out to him. "Mr. Chase, I am in much doubt about this law. Is it your opinion, as the financial officer of the Government, that it is a necessity for carrying on the war?"—"It is," replied Mr. Chase. "Such is my fixed opinion." Mr. Sumner voted, and the Act became a law. Yet this same Mr. Chase, sitting on the supreme bench, gave his decision that the law was unconstitutional because it was not necessary. What must be the public opinion of such judicial action as this? At the time the decision quoted was given, however, there were two vacancies upon the supreme bench. The president was much blamed, I think unjustly, for filling these with two judges favorable to the act. Why should he not have done so? He had the constitutional power of appointment. If he thought the Act constitutional, as Congress did, it was perfectly open to him to ap-

point judges who would confirm it. The evil was in throwing the burden of such an exciting political question upon the Supreme Court. If the Cabinet officers were in Congress and responsible for the effect of laws, they would take good care to have law on their side in the beginning. The attorney-general would certify, in the first place, the legality of cabinet measures, and upon every important question the opinion of the full bench would be required, which being given before such question entered into active politics, the Court would not be drawn into a damaging conflict. Such an opinion, again, being given in the beginning, would ever after bar the recurrence of litigation, at least upon the main point. Clashing between Congress and the Supreme Court would be much less likely, because the former would hesitate to pass an act which the full bench had just pronounced unconstitutional. The judicial guidance should come before and not after legislation. If Mr. Chase, in 1862, could have backed up his advocacy of the legal tender Act by an opinion of the full bench, we should not now have the Court in such a false position. If he could not get it, at least that was the time to decide, and not now, after the state of affairs has so totally changed.

It will be asked, How is the change to be brought about? Would it require an amendment of the Constitution? Not at all. It requires nothing more than a simple vote of the two Houses. The Constitution is wholly silent upon the subject, nor would the change, as far as I am informed, conflict with any of its provisions. That such, in truth, was the opinion of its founders, is proved by the fact that the present policy was purely a matter of accident. During the session of the first Congress, Mr. Hamilton, then Secretary of the Treasury, informed the Houses that he had prepared, as requested, a report on the public credit, and the question arose as to how it should be received. In favor of oral communication it was urged that members would not be able to understand the subject matter without explanations; but in favor of a written communication it was replied, that the topics were too abstruse and too complicated for oral treatment, and that the main report, as well as all explanations, should be given in writing. It does not seem to have been suggested that both methods might be combined with advantage. That both the President and the Secretary of State did attend the meetings of the Senate we learn from the following items: "Tuesday, July 21, 1789. *Ordered*, that the Secretary for Foreign Affairs attend the Senate to-morrow, and bring with him the requisite papers, etc." With which request the Secretary complied; and again on Saturday, August 22d: "The President of the United States came into the Senate Chamber, attended by General Knox, and laid before the Senate the following statement of facts, etc." I find no later record of any such attendance, but these cases at least seem to show that the exclusion of the Executive from the Houses was not originally insisted upon.

It may safely be asserted, however, that the change, if it is to depend upon Congress, will never be made. All the private and local interests will oppose it in a body, as they do all other movements which aim at the national advantage as against their own. For instance, there is no more gross imposition upon the public than the National Bank system, under which these institutions receive, over and above all their taxes, nearly or quite fifteen millions per annum of the public money upon their circulation, without rendering, as far as their circulation is concerned, the slightest service in return. Yet I was told, two years since, by the chairman of the committee on currency and banking, that he could not get his committee to look at any legislation unfavorable to the banks; and without the concurrence of that committee, none can be considered in Congress,—a striking instance of the obstructive power of committees.

I freely confess, that however great and manifest the desirableness of the change may be, it is by no means easy of accomplishment, in the face of settled traditions and powerful private interests. The first thing, however, is to get the point clearly before the public attention. The reform must come, if at all, from a popular pressure which can force Congress. And it seems to me to offer, at all events, an advantage for this purpose in being of a very simple nature and easily expressed in a popular formula. It is useless to ask public opinion to call for civil service or tariff reform, or specie payments, because only a limited number of persons have any clear idea of those subjects, and those who have differ so much in opinion among themselves that the matter is easily evaded by Congress on the ground that no one measure proposed is suited to the object in view. But if you raise a demand for a national representative in the legislature, for some one whose business it is, in virtue of his office, to propose schemes of national legislation, you advance what is perfectly intelligible to the simplest capacity. "Nationals," as a party name, and national legislation as a party cry, would furnish a wholesome variety from the somewhat unmeaning nomenclature of the late political campaign.

I propose next, in illustration of what has been said, to glance briefly at the governments of some other countries.

The Prussian is, perhaps, at this moment, the most efficient government in the world. Those who have followed the history of the war of 1870, must stand amazed at the picture of perfect organization there presented. The whole nation moves like a machine. The power of the executive is practically absolute, and similar powers are delegated, in his sphere, to each subordinate official. But these latter powers are kept under control by the most rigid responsibility. During the war one of our generals called upon a Prussian officer of high rank, having almost the entire control of an army corps. The visitor went with diffidence, expecting to find a man overwhelmed with business. To his surprise he found one apparently entirely at leisure, and who received him cordially and with perfect readiness to talk. After an hour's conversation, our countryman rose with an apology for taking so much valuable time. The other assured him that there was no hurry, as he was quite at leisure. "How is that possible in your position?"—"O," replied the Prussian, "our organization is such, that every man under me knows what he has to do, and the consequences if he does not do it. My function, therefore, is simply to give a few general orders, and I am quite easy as to the result." One cannot but admire the perfect combination of power with responsibility.

Observe, however, clearly, that the responsibility is all upward. Everything is managed in the interest of the crown and the aristocracy. Of submission to the popular will there is not a trace. In 1866, the nation was much opposed to the war with Austria, and the legislature refused supplies. The ministry ignored that body, raised money, increased the army, and plunged the nation into war. In the splendor of victory, it is true, they went through the form of asking the legislature for indemnity. At the present moment, when the Prussians are receiving from France the largest sum ever paid by one nation to another, the money is being paid away to kings and princes, or kept for the support and increase of the army, while the sanitary condition of Berlin is such as to excite the gravest apprehension; and such is the suffering of the poor that armed police are constantly employed in suppressing riots. So far are their recent triumphs from ensuring peace and internal progress, that the army is being largely increased, and rearmed throughout with approved weapons, while whole provinces are undergoing depopulation through the crowds of emigrants fleeing before the terrible military laws. As be-

tween such a government and our own, with all its faults, no lover of humanity can hesitate for a moment.

In France, the Revolution of 1789 abolished, with one immense explosion, the whole system of class rule. Terrible as it was, that Revolution secured at least the theory of equality before the law. But the secret of combining power with responsibility was beyond their reach. The necessity for power in the executive brought the nation at an early day under the rule of the first Napoleon. The absence of responsibility made that rule what we all know. Since then France has constantly alternated between anarchy and despotism. Three constitutional kings, with different constitutions, a republic, an empire, and again a republic, or the prospect of one. With all its faults and misfortunes, however, the nation is entitled to our sympathy, because it is a democracy, in the primitive sense of the word, in which every man is equal before the law. The president of France is simply Mr. Thiers. The second man in the country, as regards the prospect of power, is Mr. Gambetta, a Marseilles lawyer.

To the difference of national education is often charged the victory of the Prussians over the French. What is the Prussian educated for? As food for powder in the interest of emperor, kings, and nobles. The lack of education in France is precisely because the rulers have used their power to maintain their creatures, while they are under no national responsibility to provide for the nation's first want. The lesson which we have to draw is this, that the executive must have sufficient power to govern the country, and must be held to direct public responsibility. Failing this combination, history points to despotism as the inevitable final result. I may be told that it is anti-republican to give power or influence to individuals. If this is so, if while private enterprises of all kinds are led to brilliant success by just this method, the governmental machinery alone must be slipshod and inefficient, then I apprehend that we are in danger of being sacrificed, as the French have repeatedly been, to a name. If, on the other hand, we claim the Anglo-Saxon quality of securing one object without giving up another, of combining efficient administration with popular control, then — I dare not attempt to speak of the future of this nation before the world.

The next illustration I approach with some anxiety, between the wish and the doubt of being able to present it to you in a suitable form. It must have occurred to many that what I have been advocating is, in substance, the English method of administration. But I have carefully avoided any allusion to this, knowing the jealousy which exists among us of copying anything English. But such a feeling is hardly worthy of sensible men. If a great improvement in machinery or any industrial process were made in England, we should be only too eager to adopt it. And, on the other hand, the English are at this moment adopting one of our institutions, the ballot, in the hope of amending the evil of bribery at elections.

No man can be more alive than myself to the evils of the English social condition: the accumulation of land in a few hands; a hard and selfish aristocracy; a state church, which has been the chief barrier to national education; poor laws, intended apparently to encourage pauperism; the oppression of Ireland; in short, the most fearful social injustice, accumulated through centuries, and which the very excellence of the governmental machinery has preserved from being swept away, as in other countries, by revolutions. But with all this, England has an institution which has kept her so fresh and vigorous, that after eight centuries there are no visible signs of decay; which has preserved her during a century and a half from serious civil commotion, and thus enabled her to reach a point of material prosperity

unequalled in the world; which has been the instrument, during the last half century, of effecting arduous national reforms, compared with which anything before us is child's play; which has made of Parliament, once so corrupt that the Prime Minister, Walpole, said that every man in it had his price, as pure a public body as any in the world; and which all the nations of Europe, as the idea of popular liberty extends, are striving more or less successfully to imitate,—I mean an executive ministry, acting on behalf of the whole people, having power to guide legislation, and being directly responsible to individuals in Parliament.

Take the case of the corn laws, perhaps one of the most difficult reforms that was ever carried without bloodshed. The popular voice did not pronounce for any particular measure, nor on the other hand for the simple repeal of a statute. The demand was for a ministry who would take the thing in hand; and when the ministers had reduced it to a practical shape for legislation, the popular thunder told Parliament it must yield. It is often said in explanation of the elasticity of the British constitution, that the upper classes are wise enough to yield at the last moment. I would not concede to them any such exceptional wisdom. If it were, as in other countries, merely the conflict of one class against another, the want of definiteness and mutual understanding would excite a growing exasperation, culminating in violence. The salvation consists in having an intermediate agency, which being interested on behalf of the people, and at the same time familiar with class prejudices, formulates, sifts down, and softens the claim, till the upper classes, seeing exactly what is required of them, find it best to yield.

Let us look for a moment from this point of view, at what might have been our treatment of slavery. Suppose that, from the very beginning, certain individuals of high talent, energy, and patriotism, had worked themselves steadily upward and reached high executive office; that one of them, having thoroughly studied and sifted the state of society and feeling both North and South, should, in concert with his colleagues, have proposed in Congress a plan something like this: "The Northwest," he would say, "is steadily increasing in numbers and power, and it is evident will not many years longer submit to the institution of slavery, but will abolish it, if necessary, by force of arms. While the South should clearly understand this, it is undoubtedly true that the present generation of Southerners is not responsible for the existence of slavery; that the slaves are their property, and that private property should not be taken for the public good without compensation. We therefore propose to pay in the proportion of one hundred dollars for every man, woman, and child of the slaves, the adjustment of difference of value to be made in each State by the officers of that State; and for this purpose we propose to issue four hundred millions of United States bonds."

Of course this would have been met at first with a cry of rage and defiance on both sides. But the controversy, instead of breaking out in insult and abuse, would have turned upon expediency, which is much less exasperating. The Cabinet, with their supporters in Congress, would have set to work to leaven the mass of public opinion. Speakers would have been sent throughout the country, all working to one point and not each for his own hand. The press and the religious societies would have lent their aid. Then would have appeared the benefit of public education I do not say that such a scheme would have succeeded; but I do say, that, if we had been forced into war, the making of such a proposition would have been worth to us, in the public opinion of the world, many millions of dollars and thousands of lives; while if it had succeeded, no words are required to point out the difference of our present situation, both pecuniary and political. Note clearly, that in na-

tional questions, as well as individual differences, an important consideration is to narrow down to a definite point, so that you may have something about which to agree or disagree, and that this becomes difficult, if not impossible, in proportion to the number of minds at work.

As another illustration in point, let us take the case of the telegraphs. The British government has recently assumed the management of these. One man, Mr. Scudamore, has almost despotic control over them, and has run them with good success. Yet if he abuses his power, or neglects his duty, the ministry are at once called to account in parliament. With us, such a man would be liable to be displaced at every new election, in favor of some one who could command the votes of the employés. But the British ministry know that their place depends more upon the success of the telegraph enterprise, than upon the votes of a few individuals. A similar logic would do far more to reform our civil service than any boards of competitive examination.

One of the most threatening dangers to the country is the growing power of corporations, railroad and other, which promise before long to override both our State and national governments. They have the most dangerous facilities in being left to deal with local representatives, constantly chosen anew, and having great power as a body, with very little responsibility, while there is no effective opposition on behalf of the State or country. An executive officer, pursuing a continuous policy, wielding the whole public opinion of the State or the country in the legislature, and being held to daily public responsibility, would form an obstacle which the most powerful of the corporations would be forced to respect.

I will consider this part of the subject further only in relation to specie payments, than which there is no more important or more difficult question before us. If we are to avoid enormous disaster in the return, or to maintain them when reached, it will require manipulation as delicate as the finer parts of surgery; something like the skill and patience which from a rough block of marble produces the exact semblance of the human form. What is our actual condition in this respect? We may have any number of bills up to three hundred or four hundred, all precisely equal in authority, and in which there is nothing to distinguish the profoundest knowledge and experience from the shallowest empiricism. All go to a committee. From this broth, as heterogeneous as that of the witches in Macbeth, the resultant must contain two ingredients, which alone can be predicted with certainty: that it does not press too hard on certain powerful private interests (the weak ones must take care of themselves); and, second, that it shall be such as to find support in the House. Whether it is practicable in application, or suited to the wants of the country, excites very little interest. That belongs to the Secretary of the Treasury, whose views and wishes, as neither committee nor House have anything to hope or fear from him, there has been no necessity of consulting. Moreover, before the law, such as it is, has had half a chance for trial, it is almost certain to be upset by wholly new legislation. I assert with confidence, that some such change as is now proposed is an indispensable preliminary before the country can ever have a stable currency convertible into specie.

English political thinkers, while seeing plainly the defect in our government, are wont to say that we cannot adopt their method for two reasons. First, with our fixed terms of office, the cabinet cannot be compelled to resign by an adverse majority of congress; and second, that with us the executive is chosen by the people, while theirs is practically the choice of Parliament. From the closest study and observation which I have been able to give, I hold these objections to be unfounded; that the system is peculiarly republican in principle, and would work as well with

us as with them, or better. In England, whenever the ministry are met by an adverse majority in Parliament upon any important question, they resign in a body, the resignation of a single minister taking place only when he cannot agree with his colleagues. The result of this is, that if a mistake is made in Indian affairs, or any single department of the administration, a freak of Parliament may deprive the country of a ministry whose services are all-important, and throw the whole government into most dangerous hands. Under our system, if a cabinet officer found himself in a minority, there would be three courses open: either he might resign, and the president appoint a new man, without prejudice to the general administration; or, secondly, the same officer might modify his views, and submit a new and more acceptable proposition; or, finally, the administration, supporting their colleague, might under protest drop that particular question, and go on to something else, until the next congressional election should express the sense of the people. It is curious that the "London Spectator," anticipating the overthrow of the Gladstone ministry, lately expressed regret that he did not of necessity hold office for a year or more, so that parliament might have time to reflect and watch the further effect of his measures. This is precisely the advantage that I claim for our fixed terms of office.

Secondly, in England the ministry is practically elected by parliament; that is, the queen invites the parliamentary leader to form a ministry. But this only proves, that, according to English tradition, the wealthy and upper classes should rule, starting from which theory as a basis, they assume that it would not do to have the ministry elected by the people. Even in England this theory is breaking down under the action of public opinion upon the machinery referred to, and here we do not admit it at all. Adopting universal suffrage, we give to the people the right and duty of directing the government, and for this purpose it is peculiarly fit that they should stand as arbiters between Congress and the executive, giving to neither the advantage over the other. Universal suffrage may be a mistake. The solemn problem rests with us to prove whether it is or not. But it is in this that we differ from the English, and not in the adaptability of the system which I have rated so highly. Observe, moreover, that even in England, a defeated ministry can dissolve parliament and appeal to the country; but the cumbrous and expensive nature of a new election tends to prevent a resort to this expedient, which with us comes regularly and in due course.

In what has thus far been said I have referred only to the general government; but it admits of much wider application. The governing bodies, both of our States and cities, are arranged on the same plan: two legislative chambers composed of local representatives, wholly without leadership and acting by committees, who have the sole power of making laws; with an executive entirely excluded from communication with his constituents, the whole people, limited in his function to carrying out blindly whatever the legislative bodies may prescribe, and entirely shielded from responsibility as long as he satisfies the majority of these bodies. Accordingly it happens that the evils which afflict our States and cities are precisely the same in kind with those under which the nation labors. If they are worse in degree in New York than in Washington, it is simply because the compact and largely foreign population of the former city is more easily handled than that of the United States. If the present state of things continues, it seems to me only a question of time when the two places are equalized in this respect.

You are all familiar with the late uprising in New York against Tweed and his associates, and the appointment of the Committee of Seventy. This committee did good service in unearthing frauds and recovering stolen money; but all this was spas-

modic and temporary. The real value of their work consisted in the plan of a new city charter, which though it only partially developed principles, yet tended to a result as follows. They said that there should be some direct responsibility somewhere, and for that purpose corresponding power was essential. They proposed to give the Mayor absolute power of appointment and removal of the heads of departments, who in turn should have the same power over their subordinates. The legislative branch was to be confined to the function of the critics of the administration, with the power of the purse. Unfortunately, it was necessary that this charter should be accepted at Albany, and it has been shipwrecked upon the compact organization of parties which, extending throughout the nation, the State, and the city, being based upon the spoils of office, and caring very little for good government, is in deadly hostility to anything which touches its interests. It is none the less true, however, that good government in New York turns wholly upon this question of combining power with responsibility.

Perhaps the circumstances nearer home, which are exactly the same (at least as to inefficiency, for as regards corruption we have not reached the same point as yet), may be better appreciated. The Mayor of Boston is simply an ornamental figure-head. He has not the slightest power of any kind, except that of advice, the value of which consists chiefly in confirming the recipient in his own opinion. He cannot therefore be justly held to any responsibility, and it is just because the people look to him as the nominal chief executive that no results can be obtained.

The late fire furnishes a remarkable illustration in point. The details of the fire department were admirable, but there was no head. The chief engineer was insufficient, and the Mayor nowhere. Consider, now, the constitution of this department. The chief engineer is chosen by joint vote of the aldermen and common council, that is, of some seventy men, without even the concurrence of the Mayor. Is he likely to be a stern, resolute, and energetic man, of few words, and impatient of control, or a supple, easy-going gentleman, who can make himself generally agreeable. Next come fourteen assistant engineers, all chosen separately in exactly the same way, and naturally for the same qualities. The chief engineer is nominally the superior, but has no practical power, so that here are fifteen authorities, not necessarily in sympathy, and whose chief business it is to keep from running against each other. How, in the next place, is business conducted? If the chief engineer wants anything, he sends a memorial to the common council. They refer it to a committee, which committee may, or may not, report that he ought to have it. If the former, and the council vote in his favor, a committee again trots after him to see that he buys in the right place, and does not pay too much. No man of ability will consent thus to be held in leading-strings. Inefficiency, instead of being an accident, is a certainty. Suppose it were the custom, as in ancient Greece, to hold annual athletic games to which the different cities and States should send champions. With a view to training, suppose we should shut up our man in a close room, with an anthracite coal stove, allow him to ride out, but not to walk, and on no account to run, never to lift anything heavy with his arms, unlimited tobacco and beer, with a diet of mince-pies and Welsh rarebits to be taken generally before retiring, and after midnight; and then when he went down at the first encounter, we should declaim that we ought to have a strong man, sound in mind and limb, able to run fast and far, and to knock down an ox at a blow. This would be about as sensible as our present method of proceeding. Meantime the Mayor has about as much to do with the fire department as the Grand Lama. He has not the smallest authority in the matter, and yet I have no doubt that a majority of the citi-

zens condemn Mayor Gaston for the defects on the day of the fire. It is not at all surprising, therefore, that at the time of election, it was almost impossible to find a man of standing in the community, who would accept the position. Suppose, now, that the Mayor had full power of appointment and removal, and was held by the council to rigid responsibility for results, and only for results, not only would the post attract the highest talent, but the citizens would have in the watchfulness of the legislative bodies a guardianship of their interests which does not now exist at all. Take next the case of the police. The officers of this force are nominated by the Mayor, and confirmed by the aldermen, and in so far this is a step in advance of the fire department. But this confirmation, by the aldermen, which appears as an additional security, is just the reverse. It makes the first object of the Mayor not to secure efficient officers, but to satisfy the aldermen. And the aldermen, having once opposed the appointment, are estopped from vigilant criticism. Nobody is, therefore, directly responsible for the state of the police. And thus it happens that of all the great robberies and murders of the latter years, I may say that not one has resulted, unless under very plain circumstances, in the arrest and conviction of the criminals. Our safety mainly consists in the fact that there are so many people to be robbed and murdered, that the chances are against the lot falling upon any of us.

If time would allow, it would be easy to show how all departments of the city administration are more or less emasculated on the same principle. It will be said that it is useless to attempt to carry any adequate measure of reform. The price of adopting this conclusion is exposure to just such calamities as the late fire, and the reputation which American government is rapidly acquiring, of combining the maximum of expenditure with the minimum of efficiency.

If we look for an illustration among the States, we find that the governor of New York is not elected with a view to the public service, but by the influence of the legislature and the lobby, and no man can get the place who is not prepared to satisfy the demands of these parties. And the legislature having in practice absorbed the powers of all three branches, is left free to attend to the special legislation in which the local representatives are interested. The governor should have an independent position, should appoint the heads of departments, and should have the means through these in the legislature, of appealing to the people in their own behalf and against the power of private combination.

Even in Massachusetts, which we have been proud to regard as one of the model States, corresponding evils have not failed to become manifest. The executive, though he has a council to assist him, and thus still further to weaken and diffuse power and responsibility, is merely the instrument of the legislature. All sorts of commissions are appointed to do the work which belongs to the heads of departments. But these commissions have only power to report, and the legislature is too busy with local questions to act for the whole State. Education, finance, and charities are branches which call loudly for some general system. The State Treasurer and the Secretaries of State and of the Board of Education, should have seats in the legislature, with the duty and responsibility of providing for this.

I ask one moment more to impress upon you the importance of the subject. It is very common to hear men say, with a sneer, that we are reaping the fruits of democracy; that we can expect nothing better as long as we entrust the powers of government to the mob; and that these powers should be confined to the upper and educated classes. Whether this is so or not, it is too late to go back. We have started upon a different theory, and must stand or fall with it. Look for a moment at the vast mass of pauperism in London and Berlin; at the condition of the agricultural classes

in England, than which there is nothing worse unless in Turkey and the kingdom of Naples. Doubtless there is a vast deal done in the way of charity; but politically there has been, at least in the past, no more obligation than to so many wild beasts. The theory was simply that the rich were only called upon to provide sufficient armed police, and behind them, military to keep down the seething mass of poverty and ignorance and crime. It is a very convenient theory for the rich. The French nobles in the last century laughed at the idea of any responsibility to their peasants, any more than to their beasts of burden, and they went on in their security till they had a fearful awakening.

We, on the other hand, say, Give to the poor man a share in the government, and then the rich are under bonds to take care of him. They must see to it, as a condition of their own security, that he has his share of intelligence, happiness, and content. There is no doubt but that this involves unpleasant responsibilities and but little of that comfortable and self-indulgent tranquillity which a despotism secures. Shall we be so mean and cowardly as to admit that the experiment is a failure, but that it will last our time, and after us the deluge may come? Was this the way our fathers reasoned when they resisted British oppression? And is there no hope? Is there nothing for us to do except to turn away our faces and shut our eyes? I do not believe it. I think there is nothing Utopian in saying that the average sentiment of the mass of the people, and especially of our people, is always right and true. The history of the war is conclusive upon this point. Throughout the length and breadth of the land arose the cry, Take our money! Take our lives! but put down this rebellion! It was the government and not the people that staggered and blundered. But you can no more expect the people to conduct the government, than to take up arms and without generals to defeat the best disciplined and officered armies. With a defect of organization which in private business would speedily bring any firm or corporation to bankruptcy, we have no right to charge the defects of our government to universal suffrage, or to allow the hopes of humanity to go to shipwreck without a struggle.

Starting from the principles which an English minister has recently well expressed to his constituents, that the people at large — far more than any special classes — have need of a firm and resolute government in their behalf, I have endeavored to analyze the difficulties which beset us, and the means of escape. Possibly I may have exaggerated advantages and overlooked defects; but I ask what other remedy is proposed. I find on all hands the evils acknowledged, but the lament always ends in outcries and appeals to public opinion. I repeat once more that if public opinion has not kept us from falling, it is hardly likely to lift us up again. The problem is to find something which will go deeper into the subject, and yet be such as to appeal to the popular mind. If I have failed in this I earnestly hope that other and abler minds may take it up and find means of giving to the national will that force in which it is now so manifestly deficient.

THE

ORIGIN AND DEVELOPMENT

OF

LOCAL SELF-GOVERNMENT

IN

ENGLAND AND THE UNITED STATES.

AN ADDRESS

BY

JAMES M. BUGBEE,

READ AT THE ANNUAL MEETING OF THE AMERICAN SOCIAL SCIENCE ASSOCIATION IN BOSTON, 14TH JANUARY, 1880.

BOSTON:
A. WILLIAMS & CO., PUBLISHERS,
283 WASHINGTON STREET.
1880.

THE

ORIGIN AND DEVELOPMENT

OF

LOCAL SELF-GOVERNMENT

IN

ENGLAND AND THE UNITED STATES.

AN ADDRESS

BY

JAMES M. BUGBEE,

READ AT THE ANNUAL MEETING OF THE AMERICAN SOCIAL SCIENCE ASSOCIATION IN BOSTON, 14TH JANUARY, 1880.

BOSTON:
A. WILLIAMS & CO., PUBLISHERS,
283 WASHINGTON STREET.
1880.

PRESS OF
ROCKWELL & CHURCHILL
BOSTON.

ADDRESS.

An eminent historian has said that the institution of municipal corporations contributed more, perhaps, than any other cause to the emancipation of Europe from the thraldom of feudalism. If we may believe all that the prophets of evil have to say about the condition of local self-government in the United States, the future historian will trace the destruction of liberty in the great republic to the development of those corporations, the original institution of which brought light out of darkness.

The more conspicuous instances of misgovernment have been dwelt upon with such force, and to such an extent, that there is some danger of breeding a spirit, which, instead of seeking a remedy consistent with the preservation of the rights of self-government, will be content with nothing less than the destruction of those rights by the establishment of a centralized system of administration, such as exists in republican France. There has been a significant change during the last quarter of a century, and more especially since the late war, in the feelings with which the people of this country exercise what may be called their minor political duties. Compare De Tocqueville's description of the spirit which actuated the American townsman of fifty years ago with

the spirit which actuates him now in the exercise of his political rights, and it will be seen that local self-government, "once his father's pride," is no longer regarded as an unmixed blessing.

Whether the tendency to a centralization of administration, a tendency brought about by the inefficient and wasteful rule of the town-meeting and city council, and by the contempt into which local self-government has in consequence fallen, can be prevented from assuming proportions that will ultimately threaten the continuance of democratic government, is a question which can be adequately discussed only from the stand-point of a wide experience.

If we would arrive at a correct understanding of the present tendency of our government, we must study its origin, and ascertain what institutions, customs, and traditions were brought here by the first settlers of this country; and we must compare the changes that have since taken place with the changes that have taken place during the same period in England. What we need is — if I may use a phrase unpleasantly familiar just now on the other side of the water — the establishment of a "scientific frontier," which will serve as a sort of starting-point from which we may proceed to deal with the various propositions brought forward from time to time as a sure cure for all our political evils.

The historical method, which I have chosen to adopt, has this advantage, that it possesses attractions and has a value apart from the deductions which any individual may choose to make from the facts pre-

sented. If you do not agree with the comparisons that are instituted, or assent to the inferences that are drawn, the material is furnished by which you are enabled to institute other comparisons and draw inferences of your own.

I cannot venture, of course, within the limits of this paper to give anything more than an outline — a very imperfect outline, I fear — of the origin and development of the municipal systems[1] in England and the United States. If I appear to be covering familiar ground, especially so far as the sketch of our own municipal institutions is concerned, I may say, by way of explanation, that if some of the facts here presented are already well known to you, and if others appear to have little if any bearing upon the future, they will all be found, I think, necessary to a correct understanding of the peculiarities which distinguish the institutions in different sections of this country. It is a somewhat remarkable fact, to which reference has been made by recent English and American historical writers, that there is no work, not even an essay, on the growth of the municipal system in the United States. The difficulties attending the preparation of such a work, and some doubts perhaps as to its value when completed, may have deterred those who felt an interest in the subject from undertaking it. During the last few years I have occupied what busy men are wont to call their leisure time in collecting the

[1] The terms "municipal institutions," "municipal system," and "municipal government," are here used to designate the forms established for the management of local affairs in cities and towns or townships. "City" is used to designate a municipal corporation under the government of a mayor and aldermen or city council.

material for a short history of municipal institutions in this country and Europe. The historical part of this address is merely a summary of what was intended as one division of a more extensive work.

Recent investigations have shown that the Teutonic communities of freemen described by Cæsar and Tacitus, and from which Montesquieu said the English borrowed their idea of political government, were substantially the same as the village communities found among other races at a certain stage in their social development. Traces of the institution are discoverable everywhere from China to Peru.

"The constitution which was the common heritage of the Teutonic race was," says Freeman, "an heritage which the Teuton shared with his kinsfolk in Greece and Italy. Turn to the earliest records of European civilization. In the Homeric poems we see a constitution essentially the same as that which is set before us in the Germany of Tacitus, established alike in the Achaian camp before Ilios, in the island realm of Ithakê, and even among the gods on Olympus. Zeus is the king of all; but he has around him his council of the greater gods; and there are times when he summons to his court the whole assembly of the divine nation; when gods of all ranks gather together in the court of their chief; when, save old Ocean himself, all the river gods were there; and when we are specially told — a fact which might perhaps be pressed into the service of very recent controversies — that not one of the nymphs stayed away."

Whether the ancient Teutonic mark is the basis of

our polity has lately been questioned; but it is clear that the principle of the mark is to be found in the Anglo-Saxon township on which the New England township was based. The mark, or *march*, was the smallest political division in the Teutonic organization, and was, as its name denotes, a place marked out by boundaries. It was generally divided into three parts: *First*, the mark of the village, where the members of the community had their dwelling-places. *Secondly*, the common mark used for wood and pasturage, which was undivided. *Thirdly*, the arable mark, which was divided into as many lots as there were householders. The community of families or households settled on such plots of land and forest was, says Kemble, "a union for the purpose of administering justice or supplying a mutual guarantee of peace, security and freedom for the inhabitants of a district. In this organization the use of the land, the woods, and the waters was made dependent upon the general will of the settlers, and could only be enjoyed under regulations made by all for the benefit of all."[1]

If the writer had been describing the communities which were established a dozen centuries later on the shores of Massachusetts Bay, he might have used the same words.

---

[1] See Kemble's Saxons in England, v. I., p. 36, *et seq.* The homestead of the original settler, his house, farm buildings and enclosure, 'the toft and croft,' with the share of arable and appurtenant common rights, bore among the northern nations the name of Odal or Edhel; the primitive mother village was an Athelby, or Athelham; the owner was an Athelbonde; the same word Adel or Athel signified also nobility of descent, and an Adaling was a nobleman. Primitive nobility and primitive landownership thus bore the same name. — Stubbs' Eng. Constitution, I., pp. 52–53.

Vestiges of this primitive system are to be found to this day in out-of-the-way places in Germany. And whoever will visit the Canton of Uri, or the "little land of Appenzell," in the mountains of Switzerland, on the first Sunday in May, can see the Germans of Tacitus with his own eyes; can see an assembly which "bears the marks of immemorial freedom."[1] There on the green meadows, or the hillside market-places, the freemen and their magistrates come together each year as they came together in the days of Tacitus, — the magistrates to account for the exercise of their trust and to lay down their office; the freemen to revise their laws, to select their magistrates, and to pledge themselves anew to obey the laws which they have themselves established.

The village commune of Russia, as it exists to-day and as it has existed from time immemorial, has all the characteristics of the primitive associations of householders found among the Teutonic races. Cavour has been credited with the statement that the strength and cohesion which this communal system gives to Russia will some day make her master of Europe. But wherever in Europe this system is still practised, — in Russia, in the southern Sclavonic countries, and in Switzerland, — it is beginning to show signs of disintegration. It represents a primitive stage of development which, however much it may excite our admiration for the relations which it establishes between the members of a community; however much it may be held up as a solution of the great problem of the nineteenth century, namely, the distribution

[1] Freeman, Growth Eng. Constitution, p. 10.

and cultivation of the soil in European countries, must inevitably give way before the pressure of social advancement.

The political division above the commune, or mark, was the hundred, which was originally used probably to designate an actual hundred of houses, families, or fighting men. Above the hundred came a division corresponding to the English shire or county, that is, the tribe looked at as occupying a certain territory. The union of tribes formed the nation. In Greece and Italy the union of tribes formed the city. "The Teutons passed from the tribal stage into the national stage without going through the city stage at all."[1] Till the eighth century there were no towns in Germany except those established on the Rhine and Danube by the Romans. It was not until the eleventh century that cities began to play a part in the political history of that country.

When, in the fifth century, the Teutonic tribes, since known to us as the English, went out from their home by the northern seas and settled in the Island of Britain, they set up there the institutions of government with which they were familiar, modified only so far as was required by the circumstances under which they obtained possession of their new home. The Roman occupation left no trace on the municipal institutions of the island. Kingship, unknown to the Teutonic race before the conquest of Britain, grew out of the necessity for a permanent leader of the various tribes. The rewarding of the king's companions in arms led to feudalism. The common territory was

[1] Freeman, Comparative Politics, Lect. III.

largely usurped and divided by prescription into private properties. But the popular theory, that the entire soil was confiscated, and that the whole of each manor became the lord's demesne, has recently been shown by Sir Henry Maine to be entirely erroneous. The land in many places in England bears the marks of the Teutonic system of collective ownership and joint occupation down to a comparatively late period. And the system of joint cultivation was carried on in townships or manors within the lord's demesne.

"The rights," says Professor Green, "of self-government, of free speech in free meeting, of equal justice by one's equals, were brought safely across the ages of Norman tyranny by the traders and shopkeepers of the towns."[1] They were enabled to do this by the formation of the associations known as guilds. The primary purpose of these associations was to secure the observance of religious duties; but they were led gradually to usurp the powers which before the feudal period had been exercised by the whole body of freemen. This absorption or usurpation of political power was natural and justifiable, from the fact that the State at that period was not able to satisfy the claims of its members for legal protection. On the continent the guilds appear to have been objects of suspicion as early as the time of Charlemagne; but it is a remarkable fact that in England, while all other organizations or combinations, except for the extinguishment of fires, or for mutual aid and assistance in similar emergencies, were forbidden under severe penalties, the guilds were estab-

[1] Green's Short History of the English People, p. 121.

lished without hindrance. It was common for a body of townsmen, without regard to the occupation of the members, to have a guild in propriety and with it jurisdiction. When a trade guild was incorporated in a town it was so termed expressly, namely, that the town should have a *gilda* or *hansa mercatoria*.[1] But when the whole town was incorporated it was said to have a community, that is, in the legal view, to have a single body. In the latter half of the twelfth century "the possession of a merchant guild had become the sign and token of municipal independence."[2]

London first appears in history as "a collection of communities based on the lordship, the township, the parish, and the guild." It was first made a community, or corporation, in the year 1191; and the office of mayor[3] then first appears in English government. The mayor was assisted in the duties of his office by aldermen, who represented the guilds, and by two sheriffs, or shire-reeves,[3] — *reeve* being the Anglo-Saxon

[1] The term "merchant" is probably the translation from the medieval Latin of the word "mercator," which was deemed the equivalent of the old Saxon word "chapman," and this designated the townsmen who were tradesmen. — Thompson's Essay on English Municipal Hist., p. 14.

[2] Stubbs, Eng. Constitution, v. I., 418.

[3] The term "mayor" appears in the charters of Beauvais and St. Quentin, France, as early as A.D. 1100 or 1102. The charter of Beauvais contains this clause: "Thirteen peers shall be elected by the commune, from whom, after the vote of the other peers and of all those who shall have sworn to the commune, one or two shall be created mayors (*majeurs*). Thierry, Lettres sur l'Histoire de France, 2d ed., p. 297. In Laon "the administration of justice and of the public policy was confided to a major, or mayor, and to elective jurors, of whom the number was twelve at least." — Ibid., p. 310. Thompson's Essay on English Municipal History says: It is to be presumed that the meaning of the term (mayor) was taken from the Latin word major, pronounced mayor, signifying the greater of the aldermen, — the one who had the superior position from seniority of appointment, or the greater importance of the functions he fulfilled. — p. 54.

title for the chief executive officer of a port or county, and which has been perpetuated in our laws, until recent times, in the title given to the office least sought after in an age of office-seeking,—the hog-reeve, or chief executive of the law relating to stray hogs.

In the year 1285 the common council was first established, containing representatives from the wards. Here then, at the end of the thirteenth century, we have a chartered community or corporation, similar in the form of its organization to the municipal corporations of our own times. The mayor stands as the representative of the communal idea; the aldermen as the representatives of the guilds, and the common council as the successor to the rights of the most ancient township system.[1] For centuries the city of London served as the standard to which all the large towns of England attempted to rise.[2]

The lords holding towns in demesne followed the example of the king in granting charters, the king giving his assent to their grant of liberties. These charters of community were paid for in one form or another, as the privileges granted to the guilds had been paid for. There were some towns not rich enough to purchase charters, or dependent on lords who were without the power of granting immunities; and these continued under the ancient township or manorial system down to a comparatively late period.[3]

The influence of the guild organizations which

---

[1] Stubbs, Eng. Constitution, v. I., 424.

[2] Ibid., p. 411.

[3] Ibid., p. 426.

helped the towns to their charters was not at a later period conducive to a liberal or progressive spirit in the management of local affairs. No sooner had the freemen secured the recognition of their rights of self-government than the tendency to restriction in the number of those who could exercise the right began to manifest itself; and that tendency was promoted by the charters granted during the reign of the Tudors and the Stuarts, and even down to the time of George the Third.

The degraded condition to which local government was reduced by the self-perpetuating councils established under these charters, and by special acts of parliament which restricted the rights of self-government, is shown in the report of the Commissioners on Municipal Corporations upon which the reform bill of the year 1835 was based. The commissioners found that in the greater number of cases the corporations had, little by little, parted with the duties and responsibilities of good municipal government. By special acts of parliament the powers of lighting, paving, and cleaning the streets, supplying water, establishing the watch, and doing other things necessary to the comfort and convenience of the citizens, had been transferred from the elected municipal officers to trustees or commissioners, who were empowered to levy the necessary rates. Of the two hundred and thirty-seven corporations investigated one hundred and eighty-six — more than three-fourths — were found to be governed by self-elected bodies. In the greater number the freemen, who anciently had the power of choosing their municipal officers, had ceased to have any voice in the

management of local affairs, or to consider themselves as forming any part of the corporation. In concluding their report the commissioners said: —

> There prevails among the inhabitants of a great majority of the incorporated towns a general, and in our opinion a just, dissatisfaction with their municipal institutions; a distrust of the self-elected municipal councils whose powers are subject to no popular control, and whose acts and proceedings, being secret, are unchecked by the influence of public opinion; a distrust of the municipal magistracy, tainting with suspicion the local administration of justice, and often accompanied with contempt of the persons by whom the law is administered; a discontent under the burdens of local taxation; while revenues that ought to be applied for the public advantage are diverted from their legitimate use, and are sometimes wastefully bestowed for the benefit of individuals, sometimes squandered for purposes injurious to the character and morals of the people.

How near this statement answers to a description of the present condition of municipal government in this country it is unnecessary for me to point out.

The object of the reform bill was "to place the government of the towns in the hands of the citizens; to make them the guardians of their own property and pecuniary interests; to give them the right of making a selection of qualified persons from whom the magistrates were to be chosen;" to restore to them, in fact, those substantial rights of self-government of which they had been virtually deprived since the 14th century.[1]

London was not included in the list of municipal corporations covered by the reform bill, as the com-

[1] Green's Short Hist. English People, p. 799.

missioners reported that they had had no time to make an adequate inquiry into the state of affairs in that city. Subsequently the commissioners submitted a report on the metropolis, in which they recommended that the principles of the bill already passed in regard to other corporations should be applied to London. But from that day to this the little body of men who rule the old city, covering in area only about one-seventieth part of the metropolis, have been able to prevent any infringement of what they proudly claim to be their vested rights. In the year 1853 the state of the metropolis was said to be not only disgraceful, but dangerous, and the government in that year issued a royal commission of inquiry. The result of the inquiry was the division of the metropolis, outside the old city, into thirty-nine districts, and the establishment of the Metropolitan Board of Works. The remedy has been found to be inadequate, but all attempts at further reforms have been frustrated by the political influence and the money influence of the city companies, — the ancient guilds.

Since the reform bill went into operation there has been a marked tendency to centralization in the administration of local affairs in England. It has sprung from "a bitter experience of the abuses and disorders incident to an excessive subdivision of local powers."[1] It appears that the great land-owners and the great capitalists are inclined to encourage imperial intervention, and the lower classes are not inclined to oppose such intervention, as they look only to parliament for a redress of their own grievances and the

[1] Broderick, Local Gov't in Eng., p. 69.

protection of their rights. "Contests for municipal office," says Mr. Broderick, in his paper on local government, in the Cobden Club Series, "are mostly determined by the same political considerations, and managed by the same agents as parliamentary elections. This partnership is manifestly an evil, for it may involve the rejection of a good alderman or councillor solely because he is on the less popular side in imperial politics; but it is not an unmixed evil, for it helps to clear the atmosphere of jobbery in its worst form, and may stimulate men of a higher stamp to accept municipal office."

In a recent English review, a clergyman of the Established Church makes some significant statements about the decay of self-government in the English villages. The destruction of the administrative unit, as he designates parish government, has produced, he says, political helplessness; and parliamentary interference, instead of introducing greater economy and efficiency in the management of local affairs, has had just the contrary effect.[1]

Mr. Broderick, in the paper from which I have just quoted, admits that local government in England at the present time needs to be strengthened both against the selfishness of individuals or companies, and the bureaucratic aggressions of State officials. The rule laid down by John Stuart Mill to divide local from general government is quoted approvingly: —

"The authority," says Mill, "which is most conversant with principles should be supreme over prin-

[1] Fortnightly Review, August, 1879, p. 197.

ciples, while that which is most competent in details should have details left to it. The principal business of the central authority should be to give instruction; of the local authority to apply it. Power may be localized, but knowledge to be most useful must be centralized."

The charters under which the several English colonies were planted in this country were granted under the prerogative of the crown, as all corporate franchises were then granted. All the lands covered by the English discoveries were regarded as a part of the king's estate, to be held by the companies or individuals to whom he granted charters, in the same manner as though it was a part of his manor of East Greenwich or Hampton Court. Parliament had nothing to do with the colonies or colonial legislation until near the close of the seventeenth century.

The character of the early institutions of local government established here was largely determined by the circumstances under which the different colonies were founded. They may be roughly classed under three heads: (1.) Those which grew out of the necessities of the people, and not in conformity to any prearranged scheme of law-giver or philosopher; (2.) those which were copied almost wholly from the English system of the time; (3.) those which were modelled in England to meet the wants of an ideal community.

In the New England colonies town government grew up as the British constitution has grown up. The relations between the colonial authorities were

as indefinite as the relations existing at that time between the commons and the king. During the fifty-eight years covered by the first charter to the colony of Massachusetts the people were left entirely free to establish such local institutions as were best adapted to their wants. In their village communities they set up the freest government with which their traditions had made them acquainted; and that was the government which their Teutonic ancestors brought into Britain in the fifth century. For the ancient right of the Anglo-Saxon freeman to have a voice in town-moot and folk-moot had never been wholly forgotten; and in many of the English villages of the seventeenth century the land was still held in common, as it had been held and cultivated before the Norman conquest.

When the pilgrims first settled at Plymouth they held all their lands in common. But that primitive system was ill-suited to the independent and enterprising spirit of these adventurers; and individual property in the house-lots and cultivable lands was established at an early day. But while the arable lands were generally allotted in severalty, either by the central authority or by the proprietors of the several townships, the custom of holding the pasture and meadow lands in common was continued, and has survived to this day. The memory of some who are here goes back to the time when certain inhabitants of Boston had a right of pasturage on the Common.[1] And in Nantucket, which was settled in

[1] Boston Common ceased to be a common grazing field in 1830. — "Drake's Old Landmarks of Boston," p. 360.

1662, the proprietors held in common all the lands except those occupied for house-lots ; and cultivation in common was continued down to the early part of the present century.

It was proposed at one time, by the Massachusetts Company, that those who had land allotted to them, and who were not adventurers in the common stock, should hold under a feudal tenure; but the proposition was never carried into effect.

No man could be admitted a freeman of the body politic in the Massachusetts Colony, unless he was a member of some church within the limits of the colony, and that requirement continued substantially in force until 1692; and between 1635 and 1647 none but freemen could take part in town affairs. The pilgrims of Plymouth put no such restrictions upon the suffrage. When separate townships were formed among them — which generally occurred when a body of persons inhabiting near each other, but apart from the original settlement, had reached the point of being able to build a meeting-house, and contribute something towards the support of a minister — the freeholders, as well as the freemen, were authorized to take part in making the town orders; but only the freemen (who were not required to be church members) could take part in making the laws and ordinances for the government of the colony.

The terms "plantation," "town," and "township" were used indifferently to designate the separate settlements which sprang up in the different parts of New England. The terms "vestry" and "parish" were discarded on account of their association with

a hierarchy which the colonists abhorred. There was no formal incorporation of towns in Massachusetts until after the revolution (1785). A simple order of the Court of Assistants, or General Court, giving a name to the place where members of the company had settled, or stating that such a place "is allowed to be a plantation," was all the authority to set up a body politic that the early towns received. And later, under the royal governors, when formal charters for city and town governments were being issued in the other provinces, the General Court in the Massachusetts Bay Colony erected new towns by a simple order, designating by name a certain tract of land, and stating that the inhabitants should have and exercise the powers and privileges of a town. These powers and privileges were, as I have said, very indefinite. In the first charter no mention was made of towns, and no authority was given to the General Court, or the Court of Assistants, to erect bodies corporate and politic. Sir Edmund Andros told the selectmen of Lynn, when they pleaded town action, that there was no such thing as a town in the whole country.

At first all the members of the several communities were called together to act upon every matter that could be construed to affect, however remotely, the public welfare. As the population increased this method of transacting the public business was found to be too burdensome. The qualified voters in town meeting reluctantly consented to designate certain of their number to attend specially to the management of town affairs, but they were careful not to give up

their own rights to speak and vote whenever they chose. The way in which the present system of town government in New England was worked out is best seen perhaps in the early records of the town of Dorchester. That town was named on the 7th Sept., (O. S.) 1630, and three years afterwards an order was passed which I venture to quote in full, as it gives a better idea of the management of town affairs at that time than could be given by any words of my own: —

An agreement made by the whole consent and vote of the plantation Monday, 8th Oct., 1633. Imprimis, it is ordered that for the general good and well ordering of the affairs of the plantation, there shall be every Monday before Court by eight of the clock in the morning and presently upon the beating of the drum, a general meeting of the inhabitants of the plantation at the Meeting House, there to settle and set down such orders as may tend to the general good as aforesaid, and every man to be bound thereby without gainsaying or resistance. It is also agreed that there shall be twelve men selected out of the company that may or the greatest part of them meet as aforesaid; yet so as it is desired that the most of the plantation will keep the meeting constantly, and all that are there, though not of the twelve, shall have a free voice as any of the twelve and that the greater vote both of the twelve and the other shall be of force and efficacy. And it is likewise ordered that all things concluded as aforesaid shall stand in force and be obeyed until the next monthly meeting and afterward if it be not contradicted and otherwise ordered at said monthly meeting by the greatest vote of those that are present.

Subsequently seven men were appointed as a sort of executive board to order the affairs of the plantation, — first for six months, and then for a year. They were referred to in the records of the time as "the

seven men."[1] In Charlestown the men designated to look after town affairs, in 1635, were called the "Select men," — a name by which the chief executive board in towns is now known all over New England.

How jealously the people guarded their rights of self-government against the encroachments of the central power is shown in the refusal of the inhabitants of Watertown to pay a tax of eight pounds, levied by the Court of Assistants, as a proportional part of the cost of erecting a fortification at Cambridge. The pastor and elders assembled the freemen and advised them that "it was not safe to pay moneys after that sort, for fear of bringing themselves and posterity into bondage." On being summoned before the court they stated, in defence of their action, that they considered the government of the plantation, as it then stood, "simply as a mayor and aldermen, who had no power to make laws and levy taxes without the consent of the people." They were informed that the Court of Assistants had the power of a parliament to raise money for the public expenditures. But, although they were induced to withdraw their opposition to that particular tax, the authority assumed by the Court of Assistants was questioned by the people; and a year or two afterwards it was ordered that "none but the General Court [that is, the court that included all the freemen or their representatives] hath power to raise

[1] The appointment of the seven men in this and other towns was undoubtedly prompted by the Scriptural injunction, Acts, chap. VI., v. 3. Johnson's relation of the first planting of New England (Wonder-working Providence, etc.) says, "Seven being the lest number a church can be gathered or conceived by just consequence from the word of God."

moneys and taxes." At the same time the towns were authorized to send representatives to attend the meetings of the court, — the whole number of freemen in the colony being so large and so widely separated that it was almost impossible for all to attend. In some of the towns the freemen who neglected to attend town meeting were fined; and those who refused or neglected to perform the duties of the office to which they were elected were also subject to a fine.

In 1635 the General Court recognized and assented to the powers of local government which had been assumed by the towns, and it was accordingly ordered that the freemen should have power to choose their own particular officers, and also "to make such laws and constitutions as concerned the welfare of their town, provided they were not of a criminal, but of a prudential nature, and that their penalties exceed not twenty shillings for one offence." Substantially the same provisions were incorporated into the "body of liberties," adopted in 1641. Notwithstanding the restrictions put upon the free government of the colony, by the charter of 1691, the towns seem to have preserved to the fullest extent their right of self-government.

When the question of a separation of the Colonies from Great Britain was under consideration the General Court of Massachusetts asked the towns to instruct their representatives whether, if Congress should make a declaration of independence, the inhabitants of the several towns would solemnly engage with their lives and fortunes to support them in the measure. Here the towns appear as members of a

confederation to be consulted on the momentous question of peace or war.

No city was incorporated in Massachusetts until the year 1822. An amendment to the constitution, in 1820, first gave the General Court authority to erect and constitute municipal or city governments in towns containing not less than twelve thousand inhabitants. Boston then had a population of forty thousand, with seven thousand qualified voters. But so tenacious were some of the people of their right to speak and vote on all questions concerning the management of town affairs, that the change to the representative form of government was strongly resisted, although the evil tendencies of the old system had been fully demonstrated. It was said to be the beginning of the end of democratic town government.

The founders of Connecticut modelled their town system on that of Massachusetts. But city governments were instituted in the larger towns of that State immediately after the revolution. Hartford was incorporated as a city in the year 1784, under the name of the mayor, aldermen, common council, and freemen; and the mayor was chosen to hold office during the pleasure of the General Assembly.

In the province of Maine the lord proprietor proposed, in accordance with the terms of his charter, to divide the territory into counties, hundreds, parishes, and tithings. His scheme provided for the appointment of a lieutenant and eight justices in each county; two head constables for each hundred, and one constable and four tithing men for each parish. The demeanor of the householders and their families

was to be made known by the tithing men to the parish constable, and reported by him in writing to the head constables, who were to lay it before the lieutenant and the justices. In the year 1641 the lord proprietor gave a charter of incorporation to the settlement of Agamenticus, vesting in the inhabitants all the rights of an English borough. In the following year he erected it into a city, under the name of Gorgeana, with a mayor, aldermen, common council, and recorder, to be elected annually by the freeholders. The city was to have the same rights and privileges as the city of Bristol in England. The population at that time numbered about two hundred fifty. Winthrop, in his journal, refers to this lofty charter of privileges in a very contemptuous way: "They have lately made Agamenticus, a poor village, a corporation, and a tailor their mayor." It was the only city incorporated in New England previous to the revolution. The government was carried on under the charter, until the year 1652, when the inhabitants took the oath of allegiance to Massachusetts, and the city was reduced to a commonplace township, under the Massachusetts system, and its name changed to York. The whole of Gorges' ambitious scheme for the government of the province went to pieces at the same time.

In the province of New Netherlands the Dutch governors gave charters to purchasers of certain tracts of land, authorizing them to build towns and erect bodies politic, the major part of the inhabitants free of the town to make "such civil ordinances as they should think fitting for their quiet and peaceable

subsisting, and to nominate and choose three of the ablest approved honest men, and them to present annually to the Governor-General of the province to establish and confirm as justices to determine small causes." The powers given to the town authorities were the same as those given to similar officers in the villages of Holland. In the year 1652 a burgher government was granted to New Amsterdam, consisting of one chief magistrate, two burgomasters, and two sheriffs, to be elected by the citizens in the manner prescribed for the city of Amsterdam, in Holland. But the citizens were permitted to enjoy only the shadow of self-government. Their corporate privileges did not amount to much more than a license to trade. When the province was surrendered to the English, the form of government in the city of New York was changed to correspond to the English cities. The freeholders in each town in the province were authorized to choose overseers and a constable, and the persons so chosen were authorized to make the town laws. The provisions in the "Duke's Laws," as those promulgated by Col. Nicholls in the name of the Duke of York were called, were copied, so far as relates to the town governments, almost word for word, from the Massachusetts "body of liberties;" but the authority to make local regulations in the duke's province was given to the constable and overseers instead of to all the freemen. The constable appears to have been the chief executive officer of the town, and he was elected out of the overseers as the mayors in England were elected out of the aldermen.

Under the royal governors who subsequently ruled

the province the English system of local government was more fully established. In the cities of New York and Albany the mayor, recorder, high-sheriff, and town clerk were appointed by the governor; and the aldermen, collectors, assessors, and constables were elected by the freeholders. The mayor and aldermen were justices of the peace, and had power to hold quarter sessions. The county authorities were in part appointed by the governor, and in part elected by the freeholders, and they performed many of the duties which, in New England, belonged exclusively to the towns. Lands were granted to certain individuals, with full power to set up courts leet, the proprietor to be lord of the manor and court, "with all the rights, privileges, profits, and freedoms," by custom belonging to a lord of a manor in England. It would appear from a statement made in the year 1769, by the commander of the English forces in North America, who had applied to have his estate in New York erected into a manor, that manors continued to be established in that province long after the abrogation of feudal tenures.[1]

While there were some towns in New York, and especially on Long Island, which carried on their local affairs substantially according to the Massachusetts system, local government generally in the province was copied from the English system. The early charters to cities were modelled on the charters then in force in English cities. The charter granted in the name of George the Second to the city of New York, in the year 1730, constituted the foundation upon which

[1] Doc. Hist. N.Y., v. II., p. 937.

that city was governed down almost to the present day. The mayor, sheriff, and coroner continued to be appointed by the provincial and State authorities until the year 1821, when an amendment to the constitution authorized the common council to elect the mayor, and the qualified voters to elect all the other officers. In 1834 the election of the mayor was transferred to the people, and in them it has since been vested. Previous to 1804 the right of voting for charter officers was confined to freemen and freeholders. In that year the right was extended to every male citizen, of twenty-one years of age and upwards, who had resided in the city for six months preceding the election, paid taxes, and rented a tenement of the yearly value of twenty-five dollars. The repeal of this property qualification in 1847–49 is said to be the beginning of misgovernment in that city.

In Virginia the division of the land into large estates was unfavorable to the formation of towns such as were early established in the northern provinces. The minor political divisions were first called towns, hundreds, and plantations, and they appear to have had some, at least, of the rights of English boroughs. They sent representatives to the first assembly held in that province, in the year 1619, and thus the lower house was called the House of Burgesses. In 1634 the colony was divided into eight shires, to be governed as the shires in England. In 1642 vestries were ordered to be established in each parish, to maintain church government. In 1662 counties and parishes were authorized to make laws for themselves. As in New York, the county had more to do with the man-

agement of local affairs than the town. By an act passed in the year 1705 towns were established as free burghs, with merchant guilds and communities, such as they had in England. When a burgh had thirty families resident therein it was provided that there should be chosen by the freeholders and inhabitants of the place, twenty-one years of age and upwards, not being servants or apprentices, eight of the principal inhabitants to hold office during good behavior, and to be called "benchers of the guild hall." The persons so chosen were authorized to provide "for the better rule and governance of the town and for managing the affairs thereof." They were made a body corporate and politic, with power to sue and be sued. When there were sixty families in a burgh, then fifteen persons were to be chosen as "brethren assistants of the guild hall," to act as a common council to the burgh, "in the making and declaring statutes and ordinances."

This attempt to introduce the government of the mercantile guild was unsuccessful, and the statute was repealed in the year 1710.

In 1722 a charter of incorporation was granted, in the name of George the 1st, to the town of Williamsburg, the freeholders being authorized to elect a mayor, recorder, six aldermen, and twelve common councilmen. Freeholders were described as "persons having an estate of freehold in one whole lot of land within the city, with a house in tenantable repair thereon."

Alexandria was the first city incorporated after the declaration of independence. In the year 1779 the

freeholders and housekeepers resident in the town three months preceding an election were authorized to choose annually by ballot twelve freeholders, the persons so chosen to appoint out of their own number one mayor, one recorder, and four aldermen, the remaining six to constitute a common council. The mayor, recorder, and aldermen had judicial powers.

Maryland, although under a proprietary government, established substantially the same system of local government as that which prevailed in Virginia. There, as in Virginia, the division of the territory into large estates, for the benefit of planters with numerous servants, was unfavorable to the growth of towns. The first local divisions were counties, hundreds, and parishes; and church government was maintained by the vestry. In the year 1696 certain persons in the port of Annapolis were incorporated as a body politic, under the name of "Commissioners and Trustees for the port and town of Annapolis," with power to hold courts and make by-laws. The freemen were authorized to fill any vacancies that might occur in the governing body. Baltimore was not incorporated as a city until the year 1796.

In Pennsylvania the territory was divided into counties and townships. The freeholders in each township elected annually one overseer of highways, who was charged with the repairs of the township roads, and with levying the necessary taxes therefor. Two overseers of the poor were annually appointed by the magistrates, with power to raise by tax the funds for the support of the poor. The other local affairs were controlled by the county government,

whose officers were in part appointed by the governor, and in part elected by the freeholders.

The commissioners of the land office for the province had power to erect manors, and they gave that name to large surveys made for the proprietary; but manors as a territorial division for political purposes were never erected in the province.

In the year 1701 Penn granted a charter to Philadelphia, in which the inhabitants were made a body corporate, under the name and style of "The Mayor and Commonalty of the City of Philadelphia, in the Province of Pennsylvania." A self-perpetuating council was established, as in the English charters of the time.

The form of government for Carolina, framed by John Locke and revised by the Earl of Shaftesbury, provided that the whole province should be divided into counties, each county to consist of eight signiories, eight baronies, and four precincts. In every signiory, barony, and manor the respective lord was to have power, in his own name, to hold court-leet there, for trying all causes, both civil and criminal. All towns incorporate were to be governed by a mayor, twelve aldermen, and twenty of the common council. Members of the common council were to be chosen by the householders of the town; the aldermen were to be chosen out of the common council, and the mayor out of the aldermen, by the Palatine's Court, — the highest court of the province.

This magnificent system of government, the work of the greatest philosopher of the time, was so ill-suited to the condition and wants of the straggling

colonists that no efforts of the lords proprietors could long uphold it. It passed away, leaving no more of a mark on the institutions of that section of the country than the Roman occupation left on the institutions of Britain.

The settlements in South Carolina were so scattered that "for ninety-nine years Charleston was the centre and source of judicial power." In 1716 the colony was divided into parishes; but, as in the other middle and southern provinces, the management of local affairs was largely in the hands of the county authorities.

The trustees of the Georgia colony appointed, from among the emigrants before they left England, the officers of the new town, which was to be erected in accordance with a prearranged plan. These officers consisted of three bailiffs, a recorder, two constables, two tithing-men, and eight conservators of the peace. The town court was composed of the three bailiffs, the recorder acting as clerk. Savannah appears to have been the only town in this country originally laid out into wards and tithings, with officers appropriate to such divisions. In the year 1758 the colony was divided into parishes; and church-wardens and vestry-men were chosen with authority to assess rates for the maintenance of the churches and the relief of the poor. In 1787 the proprietors of lots and houses in Savannah were authorized to elect a certain number of persons called wardens, with full power to make such by-laws and regulations, and to impose such penalties, as should be conducive to the good order and government of the town. In 1790 the wardens

were superseded by a mayor and aldermen. Other towns were governed by commissioners, elected by the freeholders for a term of three years. Latterly these officers have been changed, as in Savannah, to mayor and aldermen. The common council, or third branch, customary in the municipal organizations of other States, is omitted in Georgia.

I have thus sketched very briefly, and, as I am aware, very imperfectly, the characteristic features of the institutions of local government which sprung up, or were more formally established, in the several colonies. The differences which have been noted, both in spirit and form, were not effaced by the union of the States under a general government.

De Tocqueville's observations made in 1830–31 are equally applicable to the condition of things before the revolution. "Townships and a local activity," he says, "exist in every State; but in no part of the confederation is a township to be met with precisely similar to those in New England. The more we descend towards the South the less active does the business of the township or parish become; the number of magistrates of functions and of right decreases; the population exercises a less immediate influence on affairs; town meetings are less frequent, and the subjects of debate less numerous; the power of the elected magistrate is augmented and that of the election diminished, whilst the public spirit of the local communities is less awakened and less influential."

Professor S. A. Galpin, in his valuable contribution to the ninth U. S. census, on the minor political

divisions in the several States, has made a classification of the different systems of local government now in force, which is the best, perhaps, that can be devised.

The "town system," pure and simple, prevails only in New England. The "county system," so called from the fact that the administration of local affairs is intrusted to county officers, prevails in some seventeen States in the South and West. The "compromise system," in which the administration is divided between the town and county officers, prevails in the Middle and a portion of the Southern and Western States, comprising about two-thirds of the whole population of the country. In some of the Western States included under this head a township organization has been introduced which closely resembles the New England system. The powers of the townships are not quite as extensive as in New England; and they have no executive body with general powers of administration like the board of selectmen. In the State of Illinois, where the county system was originally established, the northern men who subsequently settled there, and who wanted to preserve their right of speaking and voting in town-meeting, succeeded in passing a general law authorizing the establishment of townships in counties where a majority of the voters were in favor of them; and the result has been that most of the counties have introduced the town system.

With few exceptions the city governments which were originally established in this country copied the form of organization which, as we have seen, was com-

pleted in London as early as the year 1285. Lately there has been a disposition to change the form by eliminating one of the elective boards, and giving to the mayor and one body, called either a board of aldermen or a common council, the powers in relation to making by-laws and ordinances which formerly devolved upon the mayor, aldermen, and commonalty.

In some cities the executive powers originally given to the aldermen and councilmen, or to the aldermen alone, have been transferred in whole or in part to boards or heads of departments appointed or nominated by the mayor. The tendency in the large cities has been to confer upon the chief executive officer greater power, in order to fix responsibility, and thereby to secure greater efficiency. In some cases the appointment or removal of executive boards is controlled by the State authorities.

Until quite recently city charters were granted only under special acts of the State Legislature; and it was a popular notion that the rights granted under such charters could be changed or annulled only upon the petition of the corporation. But it is now a well-settled principle of law that legislative acts respecting municipal corporations, not being in the nature of contracts, may be changed at pleasure where the constitutional rights of creditors and others are not invaded.[1]

During the last thirty years a number of States have amended their constitutions so as to prohibit the erection of municipal or other corporations by special laws; and the Legislatures of those States have passed laws grading the corporations according to their size,

[1] Dillon on Municipal Corporations, § 36.

and establishing a system of government applicable to each grade or class. The evils of special legislation undoubtedly called for some remedy; but whether local self-government will be improved by organizing all the cities, towns, and villages of a State like Pennsylvania, or Ohio, upon exactly the same model, taking into account only the extent of the population, and not its character, traditions, or the diversity of its interests, is somewhat questionable. In the State of Pennsylvania the abuses which had grown out of special legislation for the city of Philadelphia probably had the most influence in securing the adoption of the constitutional prohibition; but the prohibition has been rendered practically inoperative so far as that city is concerned, as it stands in the new municipal code as the single representative of a class; therefore those who are interested in procuring special legislation for the benefit of any scheme connected with the government of Philadelphia have only to apply for certain legislation for "cities of the first class."

Having completed the outline of our municipal system, let us turn back for a moment to note some of the more important points that may serve to indicate the tendencies to which the system is likely to be subjected in its future development.

In England we find the townsmen maintaining their ancient rights of self-government against foreign kings and feudal lords, and finally winning the recognition of those rights to the overthrow of feudalism. What tyranny failed to destroy under the

Norman kings was destroyed by the illiberal policy of the corporation councils and the trade guilds, and by the indifference of the people. The reform bill of 1835 restored to the people the right of self-government; but the failure to exercise the right so as to satisfy the exacting demands of modern life has created a strong tendency to centralization.

In this country we find that the original institutions of local government were largely copied, either consciously or unconsciously, from those with which the colonists were familiar in their old home. The suffrage was restricted to the freemen, or the freemen and the freeholders. But instead of making close corporations, as they might have done, the several companies of adventurers pursued a policy directly the reverse of that which governed the municipal corporations in England. The check which the royal governors sought to impose upon the spread of free institutions roused in the people the love of freedom which led to the revolution. Since the revolution the right of suffrage has been extended until it is practically free to all men. And now, owing to a variety of causes, — the indifference of the higher classes to the exercise of their rights, the direct exercise of authority upon the citizens by the National Government during the late war, the growth of population and the consequent loss of that homogeneity which is essential to the successful working of the New England town system, — a tendency to centralization is beginning to develop. It is shown in the disposition everywhere manifested, to limit and define more strictly the powers of cities and towns in the expen-

diture of money and in the selection of their local officers. It is a significant fact that, not only in this country and in Great Britain, there is a marked tendency towards centralization in administration, but the tendency is to be seen in nearly all the governments on the continent of Europe. It is not favored alone by those who cherish monarchical ideas. The German Socialists, who would confidently take a contract to make a new heaven as well as a new earth, demand a national administration which would destroy all local autonomy and all individuality.

The revolutions and counter-revolutions which have occurred in France and Spain during the present century, and which have destroyed all feeling of permanence in the government of the time, are due more than anything else to the destruction of the old municipal system. The ancient commune, which had a government of its own and a life of its own, is now "a mere wheel in the machinery which moves obedient to the central power."[1] There are no local institutions of government which the people can call their own, or for the maintenance of which they care to contend.

It seems to me that the spirit which led the French to destroy their old institutions exists in a somewhat modified form among our people in the new States of the West. It may be seen in the contempt for everything that bears the stamp of age, or rests on precedents; and in the readiness to introduce new and untried methods in local government. No system is allowed to continue in operation long enough to ob-

[1] Laveleyè, Primitive Property, p. 63.

tain any hold upon the respect or confidence of the people; and, as a consequence, the people are being educated up to a point where the loss of local autonomy would be viewed with indifference. In the District of Columbia the local government was pulled to pieces and reconstructed so often that the tax-payers finally welcomed the action of Congress which deprived them of all their rights of self-government.

I cannot enforce the point that I desire to make, and conclude this address, better than by quoting a few words from an address delivered by Professor Wm. G. Sumner, before the Phi Beta Kappa Society of Brown University, in 1877. "We must," he says, "abandon all hope of finding an absolutely 'best' system of government, or one which will alter any of the conditions of human life, except by undoing the mischief which mistaken effort may have done. If we study human nature and human history we find that civil institutions are only 'better' and 'best' relatively to the people for whom they exist, and that they can be so called only as they are more closely adjusted to the circumstances of the nation in question. . . . The science of politics consists in such study of history as shall discern the nature and laws of civil society, and the general principles for attaining its ends. The art of politics consists in finding means for the ends of civil society, as the needs arise, under the general rules which the science has derived from the study of a long and wide experience."

COLT ON GOVERNMENT.

PRICE $1.00.

PLEASE ACKNOWLEDGE RECEIPT.

ADDRESS J. B. COLT, HARTFORD, CONN.

ERRATA.

16th page, 18th line from the top, read "spurring" for "showing."

16th page, 19th line from the top, read "while" for "which."

24th page, 1st line from the top, read "Fathers" for "father."

27th page, end of 2d paragraph, for "on other trivial things?" read "on other things trivial?"

THE

FIRST AND SECOND PART

OF A

Work on Government.

BY

J. B. COLT.

Philosŏphia stemma non inspĭcit; Platōnem non accēpit nobĭlem philosŏphia, sed facet.—*Sen.*

[Philosophy does not regard pedigree; she did not find Plato noble, but she made him so.]

Τὸ καλόν—what is handsome.

HARTFORD:
PRESS OF CASE, LOCKWOOD & BRAINARD.
1870.

Entered according to Act of Congress, in the year 1870, by

J. B. COLT,

In the Clerk's Office of the District Court of the United States, for the District of Connecticut.

GOVERNMENT.

Perſonæ.

REPUBLICUS, DEMOCRATICUS, MONARCHICUS.

Rep.—What is Government?

Dem.—An Evil.

Rep.—No, a good; the evil is only the meaſure of it, in the inſtrument or inſtruments human.

Dem.—To harneſs Liberty.

Rep.—Againſt a ſtumbling-block to them that are weak.

Dem.—Mankind never has been free but in their elemental condition as a people, until modern civilization points to Liberty of all untramelled. We want no government but that within the reach of all, not theoretically ſo, but practically. Your Liberty-theory is of a kind granted; mine is born of God or Nature.

Rep.—As you conceive of God. My Liberty is regulated Liberty born of Him. As He regulates the planetary ſyſtem by fixed Law, and ſo even to the falling of a ſparrow, ſo we regulate Liberty by Laws ſuitable to all conditions of mankind.

Dem.—You make an accountability.

Rep.—Yes, for mutual protection.

Dem.—But your mutual protection leads to Empires, Kings, and Prieſtcraft.

Rep.—They have always exiſted, or the evil, co-extenſive with mankind, by one name or another. Call it a regulated ſuperſtition—the ignorant are the moſt ſuperſtitious even to the thing they call liberty. They want the right of having it, as others want the right to their belief, and to be protected in its independence.

Dem.—The leſs governed mankind are the better. By natural laws every thing was theirs, with the right to do every thing. To eat, drink, and ſleep, to aſſociate or be in ſolitude, to dream they realize and appreciate the great wonders of nature and the loves of the ſexes, or lie dormant like a ſick, unarmed ſtag, and vegetate life away—theſe, all theſe, were rights to be maintained by *force* if neceſſary.

Rep.—And by Will. It is not good for man to be alone is a law which brings the ſexes together, and their wants not being identical, require ſome rule or power, which is government. All mankind have an inborn relation, the inſtruments of which are Love and Force. As they grow from natural liberty, which is purely animal, to that of father, mother, child, ſociety, government is a neceſſary law that forces itſelf upon them, as the ſeaſons force themſelves upon each other like mingling ſtreams. Now you are at perfect liberty to take your choice of ſeaſons, go where no human foot has trod before, and live animal, or ſelect climate, houſes, ſociety, government, civilization—*cujus ſumma eſt.*

Dem.—The long and ſhort of it is, we can not truſt mankind, therefore want little of their laws. Force is the ſame whether exerciſed by mind, will, or phyſical muſcle—every man to right his own wrong.

Rep.—And woman and child, the ſtandard being his own judgment, and the meaſure depending upon the kind of animal he or ſhe may be, as you muſt admit there are

races of men as well as animal. In that caſe the weak muſt be the prey to the ſtrong, which is Tyranny. Your anger againſt government and ſociety ſprings from that very cause, ſociety and civilization being ſtronger than you. The ſtand-point of nature to be kept there makes no advance. You muſt have a principle of improvement, or you remain ſtationary, or try to, which is equally a violation of nature, and impoſſible. What is that principle of advance? It is law—human law adapted to the neceſſities of mankind. Their wants and weakneſſes make government. Its kind depends upon the condition of mankind-facts, the progreſs of their development—*Lex appĕtit perfectum.*[1] You would not put Bonner's Dexter in the ſame ſtable with mules, jackaſſes, and draft horſes, nor give them the ſame groom, nor can you make one the other.

Dem.—In Government, which means Law, we want the right to change, which is Liberty, nor fear—

———Libertas ultĭma mundi
Quo ſtĕtĕrit fĕrienda loco.[2]

Rep.—Now that you admit Government means Law, I am with you thus far; but go a ſtep farther. Seek glory by acts in the moral world.

Dem.—Governments are made for the living not the dead. Even the living voice in anger ſhould govern, for there is always either an immediate or remote cauſe for that anger—rather than not be heard.

Rep.—In other words, violence, like that in the French Revolution of '89, which means paſſion—blows without other motive than Fury, the birth-pangs of democracy. Well, good ſprings even from that; it ſoon, in the end, through its own blinded reason, ſeeks to be bridled, which was government, the act of governing, exerciſe of authority, rule,

[1] The law aims at perfection.

[2] In the ſpot where Liberty made her laſt ſtand muſt ſhe be smitten. A ſentiment attributed by Lucan to Julius Cæſar.

management, regulation, control, and restraint. "The government of man ſhould be the Monarchy of reaſon; it is too often the democracy of paſſions, or the anarchy of humours." [Dr. Whichcote.]

Dem.—When Rome was a Republic did ſhe not grow?

Rep.—Yes, when ſhe was a Republic. She never was a democracy.[1] Cicero instructs us—*Pietāte ac religiōne, atque hâc unâ ſapientiâ, quod Deōrum immortālium numĭne omnia regi gubernārīque perſpexĭmus, omnes gentes natiōneſque ſuperāvimus.* (By piety and religion, and this, the only true wiſdom, a conviction that all things are regulated and governed by the providence of the immortal Gods, have we [Romans] ſubdued all races and nations.)

Dem.—They had a plurality of Gods, we but one who deals directly with Americans. There is more enlightenment in not requiring ſo many, without we call each new ſect of Chriſtians, idealing a new and different God, a principle, cauſing the downfall of the older worſhip, and may work to that end with the new.

Rep.—It is one God, but worſhipped in varying forms, details, requiſitions, according to the various ſtandards of conſcience in all the world. Your God is Mars or Thor. If perſonated or ſymboled, how would you represent him?

Dem.—A reformer, even to woman ſuffrage, which means Liberty.

Rep.—Woman ſuffrage means more than Liberty. It means religious or well regulated liberty. Beside that, it means openneſs and direct action in all matters of Government, under juſt regulation, as contradiſtinguished from preſent legiſlative or official intrigues. Suffrage is a right born of ſociety to every being human who can be called upon to diſcharge any duty of aid or benefit to that ſociety. The queſtion of ſex has nothing to do with it. A ſovereignty born of God is born of ſociety or the people—*vox populi*,

[1] Lord.

vox Dei,[1]—and in an elective government the ſource of ſovereignty is the people, maſculine and feminine, aggregated to make peace and civilization permanent—not war! the inſtruments of office to be changed, or opportunity for change, as circumſtances may require. When war is the normal condition of mankind, if that was ever the caſe, ſociety was in nomadic life, and war the inſtrument of its ſupport.

Dem.—When did ſociety ever wander more than now? What peoples are ſtationary? Beſides, what has woman ſuffrage got to do with it more than ſpiritualiſm.

Rep.—Woman is God's inſtrument of civilization, Love is her firſt enjoyment, and to be beloved the end and aim of her temporal exiſtence. Their tendency is to ideal the man-animal in man. The ſoft flower-ſcented zephyrs of ſummer are not rejected becauſe they wont propel a ſhip! their affiliation with cold, water winds, gives a power which all can comprehend. Whoſe office is it to birth? What good to the world is there in a birth? The principle and germ of ſpiritualiſm is as old as Theiſm—as old as the firſt man or woman—but its new development, gingled by new names, at a time when ſociety is full of knowledge, and hourly marching with the rapidity of which man dare not ſpeak. I ſay that ſpiritualiſm may aſſume a form and use to the higheſt degree promotive of Christianity. It certainly has reached ſome portion of the ſkeptical claſs, who had no taſte for theological enquiry, no "Faith" nor "Belief" beyond temporal concerns, two words the moſt ſignificant and powerful of human tongue.

Dem.—All that is very pretty, but it don't make bread cheap nor fun ſecure. When we get along the way to that door you call death, we will enquire the next beſt turn.

Rep.—Yes, it don't animal, but regulates Liberty; for mankind to work out their own temporal or ſpiritual ſalvation.

[1] The voice of the people is the voice of God.

Mon.—I ſee you can never agree. One has a ſtarting point, a baſe of principle more adamantine, perhaps, than the other. Circumſtantial education, outſide of letters, developes one kind of material in mankind, letters another. Monarchy, rightly developed in the intereſt of the whole, has the power, by its every kind of education, to maintain peace or war with the leaſt amount of coſt or human injury. The objection to it is, that man by nature, controlled by certain innate laws, can not be truſted. Hereditary right and virtues are not the ſame. But monarchy elective ſupplies an opportunity for a change to ſecure the moſt worthy inſtrument with whom to entruſt power. Its intereſt lies with the people as againſt the grasping avarice of ariſtocracy, and with the ariſtocracy as againſt the haſty mad paſſion of the people, the perfection of reaſon and judgment being, or ſuppoſed to be, in the human inſtruments or officers of the monarchy.

Rep.—Yes, but human experience is againſt the practical working of monarchy. Its opportunities for wiſdom and all the virtues is what the ſoul of Republicaniſm is after, and both temporal and ſpiritual ſalvation and advancement, the right to work it out, is inherent in mankind.

Dem.—Yes, every man has a right to be a king himſelf. We are all ſovereigns by nature.

Mon.—Even to the fool. Words, names of things, are but relative. It takes but three little letters of the alphabet to make the word God, or hod, but what an infinite diſtance between the ideas that ariſe on both! The natural sovereign right of the wiſeſt, moſt virtuous and powerful man of earth, its exerciſe, muſt be regulated in governmental diſcipline, as well as that of him who chooſes to be a thief, a murderer, an adulterer, or him who is inſane, the all helpleſs that live.

Rep.—The evils of a monarchy or of a pure democracy

are of the ſame nature, but ariſe from oppoſite cauſes—the want of proper checks and balances. Theſe were in all antiquity moſt judiciouſly accompliſhed under the Roman Republic, and of modern governments in the Union of the United States of America. Written compacts or conſtitutions are neceſſary, but it is a curious fact that the great events, previous to the breaking out of the civil war, which have contributed moſt to increaſe the wealth, power and nationality of the United States, have been acts outſide of the Conſtitution, from which all authority is ſuppoſed to ariſe, acts which can only be claſſed as *acts in empire*. I allude to the Louiſiana purchaſe and that of Florida, Texas annexation, and other acts recogniſed as unconſtitutional but permitted to paſs.

Dem.—That is ſo; and ſince conſtitutions can not be framed to cover all caſes, claſs them. Peoples grow from parental to ſimple up to complex Government, or rather ſocieties grow up to it, and the voice of democracy in peace or in anger is the great check againſt ſimple or complex Tyranny. The force of a people is in the intellectually organized labor; their ſtrength, ſtanding, and reſpect, depends upon the enterpriſe and rightly ſucceſſful uſe of it. Look at the Roman energy and will.

Rep.—The Roman Empire was the only univerſal empire which ever exiſted, but it was won by the ſword, slowly but irreſiſtably, from a fixed purpoſe of bringing all nations under their ſway. "They erected a univerſal monarchy, which fell to pieces by its own weight when the vices of ſelf-intereſt had accompliſhed their work." War was a paſſion with the Romans for a thouſand years, "unscrupulous, reſiſtleſs, all-pervading, all-abſorbing, all-conquering." The Greeks fought to preſerve or extend their civilization; the Romans in order to rule. Military genius with them was all-powerful; the ſucceſſful alone the founder of great

families. Every citizen was trained to arms; ſenators and ſtateſmen commanded armies. The Romans *deſpiſed* literature, art, philoſophy, commerce, agriculture, and luxury, when making their conqueſt. There is a greater than a warrior's excellence. When men save nations in fearful criſes, as Napoleon did France, Guſtavus Adolphus did Germany when ſtruggling for religious rights, then they can receive no unmerited honors. The fame of Miltiades, Charlemagne, Henry XIV., or Waſhington, ſinks deeply into the world-heart. Still, war is as a trade—unſcrupulous, hard, rapacious, deſtructive, fomenting all the evil paſſions, allied to all the vices, and is antagoniſtic to human welfare. The Roman rule was a deſpotiſm, cold, remorſeleſs, ſelf-ſeeking, and made them, while practicable,—calculating, overbearing, proud, scornful, imperious. Under the kings for two hundred years no nation was ever ruled by more enlightened princes, ambitious, ſometimes unſcrupulous, but fortunate and ſucceſſful:—Rome grew too rapid for its moral health. A ſeries of diſaſters produced by the expulſion of the Tarquins, during which the Roman ſtate dwindled into a ſmall territory on the left bank of the Tiber, develops new energies. It takes Rome one hundred and fifty years to recover what it had loſt. The heroic period of Roman hiſtory begins really with the expulſion of the kings, alſo the growth of the ariſtocratical power. It is not under kings nor democratic influences and inſtitutions that Rome reached pre-eminence, but under an ariſtocracy. All that is moſt glorious in Roman annals took place under the rule of the Patricians. That part of Roman hiſtory bears the same relation to the age of Marius and Sulla that the conqueſt of the Puritans and cavaliers over the Indians, and the difficulties with which they contended, do to the gigantic warfare of the North and the South in the late American Rebellion. The protracted Roman warfare with

petty cities for a hundred and fifty years completed the independence of the City of Seven Hills, regaining the conqueſt loſt by the expulſion of the Tarquin, and extending the Roman power to the valleys of the Appenines. The Celt-Gauls burnt and ſacked the city, but ſoon retreated, and Rome was never again invaded by a foreign foe until the hordes of Alaric appeared. About the year 341 B. C., and 416 years from the foundation of the city, the aggreſſive period of Roman warfare began. By this time the Plebeians made their power felt, and had obtained one or two conſulſhips; but for a long time after, the Patricians, though ſhorn of undivided ſovereignty, ſtill monopolized moſt of the great offices of the ſtate—indeed were the controlling power, ſocially and politically. At no period was Rome a democratic ſtate; never had Plebeians the aſcendency. But now the plebeian influence began to modify the old conſtitution. All claſſes, after inceſſant warfare for a century and a half, and expoſed to innumerable feuds, united in enterpriſes of conqueſt. Rome began to appear on the ſtage of political hiſtory, commencing her aggreſſive warfare firſt with Samnium with excuſes alleged, not the true ones. A plebeian nobility grows up, created by the succeſſes in war and domeſtic factions. Citizens of various conquered cities were enrolled among Roman citizens, with all the rights to which the citizens of the capital were entitled—abſolute authority over wife, children, and ſlaves; ſecurity from capital puniſhment except by a vote of the people, or under military authority of the camp; acceſs to all the honors and employments of the ſtate; the right of ſuffrage, and the poſſeſſion of Qurinal property. Military roads were conſtructed between all places of importance. The ſame ſterling virtues which characterized the abſolute rule of the Patricians ſtill continued, and patriotiſm partook of the nature of religious excitement. The new maſters of Italy

deſerved their empire. There was *union*, because there was now *political equality*. The ariſtocracy of blood wa s blended with the ariſtocracy of merit. The conſulſhip gave unity of command, the Senate wiſdom and proper ſtrength, preſerving a happy equilibrium of forces—the combination of royalty, ariſtocracy, and democracy—which, with military virtues and auſtere manners, made an irreſiſtible force. This period, the 5th century of the exiſtence of the Roman ſtate, was its heroic age. Military aggrandizement became the maſter paſſion of the people, the uniform policy of the government, Mars the presiding deity, ſucceſs the only road to honor. Carthage, upon the oppoſite ſide of the Mediterranean, falls after three memorable ſtruggles, extending over a century. Even Hannibal, the greateſt general of antiquity next to Cæsar and Alexander, could not reſtore the fortunes of his country. The firſt Punic War, laſting twenty years, attaches Sicily to Rome; the ſecond Punic War opens twenty-three years after the firſt, laſts seventeen, and brings Sardinia; a foothold is gained in Spain and Gaul, and a preponderance throughout the western region of Europe and Africa; the third Punic War, beginning fifty years after the ſecond, laſted only four years, gained all the provinces of Africa ruled by Carthage, and a great part of Spain. Nothing is allowed to remain of the African capital, the captives ſold to ſlavery or put to death—the ſpoils enriched the victor and adorn a triumph.[1]

Between the ſecond and third Punic Wars occurred the Macedonian Wars, preparing the way for conquest in the eaſt. The great Macedonian Empire was ſplit into ſeveral monarchies among the generals of Alexander and their ſucceſſors. Ptolemies reigned in Egypt; the ſucceſſor of Seleucus in Babylonia; thoſe of Antigonus in Syria and Aſia Minor; thoſe of Lyſimachus in Thrace; and of Caſſander in Macedonia. It was the miſſion or good fortune of Rome

[1] Lord.

to reduce theſe monarchies, for ſhe was deſtined to conquer the world. The principles which animated theſe wars can not be defended on high moral grounds any more than the conqueſt of India by England, or of Algeria by France. Rome anticipated the Monroe doctrine in Italy, and upon the plea of civilization conquered Greece, Aſia, and Egypt; but then followed the great civil wars of the Romans in which ſo much blood was ſhed, and in which Marius, Sulla, and Cæſar, and Pompey, exhauſted the reſources of the ſtate, and made an imperial *régime* neceſſary. The victory at Pydna, B. C. 168, which gave the final ſuperiority to the Roman legion over the Macedonian phalanx, was followed by the triumph of Paulus himſelf, the grandeſt diſplay ever ſeen at Rome. Firſt paſſed the ſpoils of Greece—ſtatues and pictures—in two hundred and fifty wagons; then the arms and accoutrements of the Macedonian ſoldiers; then three thouſand men, each carrying a vaſe of ſilver coin; then victims for ſacrifice, with youths and maidens with garlands; then men bearing vaſes of gold and precious ſtones; then the royal chariot of the conquered king laden with armor and trophies; then his wife and children, and the fallen monarch on foot; then the triumphal car of the victorious general, preceded by men bearing four hundred crowns of gold—the gifts of the Grecian cities—and followed by his two ſons on horſe-back, and the whole army in order. The ſack of Corinth which ſoon followed was the final of Grecian humiliation. Nine provinces now compoſed the territories of Rome, while the kings of Aſia Minor, Syria, and Egypt, were vaſſals rather than allies, B. C. 133.[1]

In vain did M. Portius Cato, who died 150 B. C., proclaim against increaſing corruption. An age of "Progreſs" had ſet in—Grecian arts and culture, material wealth, ſumptuous banquets, ſplendid palaces, rich temples, theatrical

[1] Lord.

ſhows, circus games, female gallantries, effeminated manners —all the uſual accompaniments of civilization when it is moſt proud of its triumphs; and there was no reſiſting its march to the eye of many a great improvement, to the eye of the honeſt old Cato, the *descensus averni*.[1]

Dem.—I diſlike to interrupt you, but did that Cato lend his wife to a friend? We don't do that knowingly.

Rep.—No! I am ſpeaking of M. Portius Cato, the cenſor, who lived in the beginning of the 2d century, B. C., and the moſt remarkable man of his degenerate age. The Cato to whom you allude was Marcus Cato, ſurnamed Uticenſis, from his death in Utica, and was the cenſor's great-grandſon by the ſecond wife, and lived in a ſtill more degenerate age —the times of Cæſar. Quintus Hortenſius, not contented merely with the friendſhip of Cato, wanted a family alliance, and deſired Portia, Cato's daughter, then married, to be lent to him, which Cato refuſes, but grants him his wife Mercia, if Hortenſius could get the conſent of her father Phillip, which he did, and "eſpouſes" her. After Hortenſius' death, leaving her a rich widow, Cato again marries her, and becomes the butt of Cæſar's ſarcaſm, and other Roman wits. Shall I go on?

Dem.—Yes, it's enlightening.

Rep.—I am but repeating Lord's hiſtory, before your interruption, almoſt *verbatim*. "Wealth had become a great power; ſenatorial families grew immenſely rich; the diviſion of ſociety widened; ſlavery was enormouſly increaſed, while the rural population loſt independence and influence."

Then took place the memorable ſtruggles of Rome againſt herſelf; factions convulſed the city, and civil war waſted the national reſources. It was at the time when the Gracchi were reformers and demagogues, patriots and diſorganizers, heroes and martyrs, when fortunate generals ſought to overthrow the liberties of their country, that Rome

[1] Lord.

was ſeriouſly threatened. The Teutons and Celts from Germany and Gaul united for the invaſion of Italy. They had ſucceſſfully defeated five conſular armies, in which more than a hundred thouſand men were ſlain. Three hundred thouſand warriors from beyond the Alps rolled on like a devaſtating ſtorm. They were met by Marius, now old, fierce, and cruel, and the Gauliſh hordes were annihi lated on the Po and Rhone. The deciſive battles of Aquæ Sexteæ and Vercellæ rolled back the tide of northern immigration for three hundred years, preparing the way for the conqueſts of Cæſar in Gaul, of ten years labor, with a people inured to danger, hardſhip, adventurous, willing to die in battle, and intrepid in ſoul. It was theſe conquered barbarians, if they were ever conquered, in the ſenſe of entire national ſubmiſſion and alienation, which I am ſlow to admit; it was theſe unromanized Northmen who were to furniſh Rome with ſoldiers, ſcholars, ſtateſmen and generals. They Latinized while the eaſt remained Grecian. Civil war enſues between Cæſar and Pompey, both aſpiring to abſolute rule. Pompey is defeated, and the road was now open to Cæſar and his fortunes. Dictator for ten years he overturned the Conſtitution, and virtually became the ſupreme ruler of the world. None queſtioned his abilities, affability, magnanimity, and forbearance. He paſſed the Rubicon, and falls in the Senate Chamber pierced by twenty-two wounds—the aſſaſſin victim. Great as an orator, a writer, a general, and a ſtatesman, a man without vanity, devoted to buſineſs, unſeduced by pleaſure, unſcrupulous of means to effect an end; profligate, but not more ſo than his times; ambitious of power, but only to rule for the benefit of his country, like others immortal on a bloody catalogue. Civil war iſſues; is moſt vigorouſly carried on by Octavian, Cæſar's lieutenant, and young Antony, who yields to the faſcinations of Cleopatra, and the ſea-fight of Actium, one

of the deciſive battles of the world, give to Octavian, ſoon named Auguſtus, the victory and Empire, and Imperial power is peacefully eſtabliſhed over all there was left of Roman civilization.[1]

When we reflect upon the riſe and fall of Roman civilization, we can not but obſerve that it was baſed upon the phyſics of mankind. Its ſplendors, of a barbaric order, were all in human things—human works. With all its reſources of energy, genius, and wealth, it could not create that kind of Love *sensed* by the Chriſtian religion. It could only pave the way for it. A kind of cattle-glory, it fattened, and crimſoned, and died. It took three centuries for the ſeed of Chriſtianity to germinate in an organized ſyſtem, ſtill developing and outliving the old day by many centuries. What think you of Roman glory?

Dem.—There has been an advance over it. During the prevalence of Chriſtianity it may or may not have had any connexion, ſhowing, but we are greater travellers. They had to carry their bodies along with their *ideas*, which in the preſent day, we lightning them and talk at the antipodes—old Jack O'Lantern give way to *Swamp Angels*. We have improved on their improvements.

Rep.—There was a ſtrange torpor every where in the empire ſo ſoon as external antagoniſm had ceaſed; and if the Northman, then nomadic, had not come, the empire would have diſintegrated in a century. No government, with outſide intercourse, can maintain itſelf long without external antagoniſm, and our own hiſtory proves it. All old party iſſues were ſettled, no outſide cauſe of ſpecial complaint, and in the ſhorteſt poſſible time the ſlave queſtion looms up in gigantic proportions, and civil war iſſues.

Dem.—In other words you ſtole our thunder. The Puritan—Pure-I-tan—Peace Societies, Temperance, Abolition in all chameleon color, old party hereditary revenges writh-

[1] Lord.

ing in memory of old defeats, unite to open up civil war, and what you may call the virtuous element of democracy entered the conflict juſt in ſeaſon to prevent the diſſolution of the government, in *extremity*, which was favored by both ends of the extremiſt, Rebel or Abolition.

Rep.—That is not to the point. All queſtions of the paſt, the ſettlement of which required the intellect and patriotiſm of all good men, to them belong the meed of praiſe. But it is for the future we reaſon, to ſhape the laws and government for the good of all; and we ſay there is nothing in the ſtateſmanſhip of Greece or Rome of two thouſand years old at all adapted to the condition of man or woman of the New World in the later quarter of the nineteenth century. *Democraticus* may ſay, as in the cloſe of the eighteenth century, we approach blood, and *Monarchicus*, that we approach empire of kingly organization; we do approach empire in one ſenſe, becauſe we have, as a national government, been in empire during the whole century, but not in the ſenſe of an organized legalized nobility or Prieſt government.

Mon.—There is no ſuch thing as a Prieſt government. They are only a ſupportive adjunct to all ſociety and authority, and their offices relate particularly to individual members, or ſouls, and God relation. They have been in aſſociation with the ſtate to give ſtrength, for peace, to it; and may be embraced all in one, but the age is againſt it. There is nothing ſo enduring as *Faith* when once engrafted thoroughly in the ſoul; nothing ſo cheering as *Belief* domiciled with Faith; nothing ſo hopeful in good cheer as *Charity*, which lights up the pathway of the good, the truthful, and God-like. They are both the old day and new day ſchool-maſters of the ſoul.

Dem.—Yes, I know it; but you haven't told us of their deſtructive force for ſinners, and who ſhould be the tempo-

ral judge of the ſin. Now if you will let that alone in all immediate caſes, we admit your right to preach and make feed—a good buſineſs. Man's right of "private judgment" in relation to his Maker is in practical war with both the Romiſh and Proteſtant Church—the one admitting it as a principle, while the other does not. Now in a ſtate of nature we undoubtedly have the right of "private judgment."

Rep.—Not ſo; if more than two perſons form that ſtate; for you, not knowing, have no right to deſtroy life over a precipice, when the ſecond perſon can, and you know it, inſtruct you otherwiſe. Therefore, when private judgment deſtroys life, you have no right to it.

Dem.—General Jackſon's ſpirit was a natural right, and don't partake of Boſton, belief-ward, that "the State Houſe is the Hub of the Solar Syſtem," whatever the people there might do with "all *creation* ſtraightened out for a *crow-bar*."

Mon.—Boſton ſtate houſe has been a fulcrum, as was the Iſland Thanet to Hengiſt, Athelingay to Alfred the Great.[1]

Rep.—But that is, Old World not New.

Dem.—Not forgetting Columbia, Richmond, Albany, and laſt though not leaſt, old Connecticut with its two capitals.

Rep.—I ſee, Democraticus, you are quite facetious.

Dem.—There is no Paſt; every thing is Preſent and Future relating to Government.

Mon.—What, no Hiſtory Sacred or Profane?

Rep.—No land-marks, guiding ſtars?

Dem.—None whatever; that is, an adamantine law unto ourſelves or our poſterity.

Mon.—But you muſt admit there have been governments and their ſtory, in which ſociety has always had its Monarchiſt, Ariſtocracy, and Democracy.

---

[1] See Matthew of W., i., page 430.

Dem.—Not always, as thoſe under Mohammed and other Orientals; but as a general rule I admit it.

Mon.—And then you muſt go further—that a unite of any two of thoſe elements has always eſtabliſhed the government, whatever it may be called.

Dem.—That is alſo true but partially ſo; the Democracy when heard through the *Furies*, or *otherwiſe*, *ruling*. Our affiliation may be with the ariſtocracy or with the king, depending entirely upon the queſtion of temporary intereſt, not bought nor ſold.

Mon.—You run into queſtions of fact which I don't wiſh to diſpute, but wiſh to aſſert that if your ſociety wiſh for economical, permanent Peace, it muſt culminate into a Monarchy.

Rep.—An Empire I would ſay, its head limited in Employment, but ſupported and aſſociated with more Dignity, calling the symbols of Office by what name you chooſe. Society is in time always arriving at points deſignated by names, or the old name changes to mean the oppoſite—perhaps only partial—of its original ſignification.

Dem.—A Monarchy cheap! An Empire, becauſe we are going there. Well, we don't know where we are going. We know there are certain fixed facts for the living; the dead have had their day, and poſterity will ripen from our manhood. I will not reaſon upon the queſtion of your Peace-to-morrows, and your economical Monarchies with king, nobles, and Prieſt-titles. The *Furies* don't belong to us no more than to you; they go it blind, perhaps; ſometimes God is there.

Mon.—I ſee your ſoul is moved by the wants of the body, which is ſovereign.

Dem.—And being ſo, it wars for its neceſſities of the ſpirit as well as of the fleſh.

Rep.—And thoſe neceſſities are Republican, which ad-

mits the principle but claims a regulation—a Law controlling Power.

Dem.—Such is the frailty of human workmanſhip that whatever you make in Law, Conſtitution, Religions, Temples, Capitols, Dwelling-Houſes, or Principles, they are eaten by the corroding tooth of Time. At every minute of the future the Power of Government lies ſomewhere, either in the Democracy, Oligarchy, or head, King, Emperor, President. The intereſt and happineſs of "the *All*," living, not the dead or dying, is what we are after, and will have. We know we are the Force, Energy and Will, of all Peoples, the back-bone of all government.

Rep.—And can get along without the head, arms, feet, lungs, and heart, of the body politic? The abſurdity of ſuch a thing is apparent. We can not be always in war for peace ſake. Peace and its cultivations is the ſole purpose of organized ſociety, and war with all its glories and concomitant forces, is but an incident, to be ſo treated and enſlaved.

Mon.—Whether we will or no, we can not reject the preſent Chriſtianized condition of ſociety, nor, if we would, reflect its ſtate at the downfall of the Roman Empire, could we. It is true the aſpect of our ſociety bears a ſtrong reſemblance to that of Rome in its looſeſt range, which is but a ſign, the law of race-blood to ſolve the problem. If much has been yours, much of you is required. If government is in reality a principle, and Chriſtianity is its handmaid concomitant, and there is a law of our nature neceſſitating their aid, how is your Energy and Force law, or your dapple patch-work progreſs to make good the requiſition? What is a king? All things are held by *Jus Divinum*, either immediately or mediately, the authority creating being the people—the ſovereign's plural. A king is a thing men make for their own ſakes, for peace or war's sake.

There are no *species* of *kings;* they are all fleſh and blood. We are inſtructed "*to render unto Cæſar the things which are Cæſar's.*" The meaning of "the king can do no wrong" is, that no *Proceſs* can be granted againſt him; the remedy for an evil or for favor is by petition, as you do to Congreſs and to your Preſident. The king can do no more than the contract of relation ſtipulates.

Rep.—"*Render unto Cæſar the things which are Cæſar's, and unto God the things that are God's.*" The rights of the people are as much God's rights as the rights of kings, each having a right to his own. God alone, it is, who is over all. The ſyſtem of kingly government and inſtitutions involves queſtions of dignity and paramount authority, which ſimple Republicaniſm avoids. We have no ſuch queſtion as to which is paramount, the church authority or ſtate, nor queſtions of conſcience outſide of written law.

Dem.—Our maxim is, do what is right according to common ſenſe, let the reſt take care of itſelf. If *I* or my boy is the beſt man in the ſtate for any particular ſervice, *I* and *he* want the chance; that's what Democracy's fighting for.

Rep.—Not entirely. Under the European ſyſtem it's fighting againſt claſs legiſlation; the plural ſyſtem of voting; *the all* againſt the *many* or the *few.* It is fighting for the privilege of human development to all, that its manhood may be more of *enlightened manhood,* and leſs ſubject to ſocial or ſociety burthens. Where the few govern, their wants and neceſſities are greater than when the many govern; and the many governing have wants and *unneceſſaries* greater than when *the all* are maſters under civil and Chriſtian enlightenment and regulation.

Dem.—"Under civil and Chriſtian enlightenment and regulation" is the excuſe for Prieſt or King Power, which means "get money from the People," and through our

women-ſuperſtition, exerciſe control over our reſources and perſons.

Rep.—You quite miſtake the office of Clergyman, Parſon, or Prieſt, for theſe names all repreſent different ideas, but their calling is all one. His miſſion is one of inſtruction in a department of learning and intelligence wherein we, from our various callings, are neceſſarily deficient; if not deficient, we are prompted to deeds of Charity and Love, and good will, which ſociety in its complex character, ſuch a variety of caſts of humanity, requires the conſtant influence of thoſe whoſe opportunities of education in culture, moral and phyſical development, will elevate the ſtandard of its tone and character. The things between God and man are few, but they muſt be told often. The hiſtory of the world is nothing, but the development of the ideas of freedom; the glory of the idea, and the end of manhood development, is the moral as well as phyſical realization of its ſpirit. Beſides, mankind is being taught all the time by outward and inward influence, by contact as well as reflection; and the more elevated his aſſociation, the more freedom and happineſs is there in all ſociety.

Mon.—To accompliſh which *there is a beſt form* of Government. Schemes of Philoſophers of ideal Republics or Democracies, however brilliant the example-pictures of the dead or living, are but as the ſtars, which give little light becauſe they are ſo high! Numbers being the rule, the world-example favors monarchy, particularly as people grow older, with greater values and rights at ſtake. For the firſt twelve centuries of the Chriſtian Era the entire world was under Monarchical government; no Oligarchy or Democracy exiſted. While it is true the Grecian Republics began with kingly government, and Rome had her ſeven kings, the period is ſo remote, and under a different ſyſtem or ſyſtems of Religion, that their example to northman races is

of little weight; and the fact that the cry of manhood development, univerſal ſuffrage, is affociated with the idea of a change of ſyſtem to that of Oligarchy or Democracy, is an evidence of a downward tendency of older organized governments and peoples, the general decay of ſociety and races, which has always been going on in the world, till the older capitals become ruins, and their races become extinct. Monarchy, the refiduary legatee of all Republics, does not change its ſyſtem, but its laws, to meet new ideas; but Republics inevitably fall into Monarchies.

Rep.—The Republics and Democracies of which you ſpeak were isolated. How about Republics in ſtate, united under a Republic paramount but of limited Power, but with guarantee of Republican form of Government? The United States ſyſtem virtually operates as a guarantee to the Republican Form of the Central Power, as it, by the expreſs words of the Conſtitution, guarantees it to the State.

Mon.—The United States, up to this period, leſs than a century old, is an exception and an experiment. You never have yet thought much of the law of your own nature and race—did not think it poſſible that you would have actual civil war ſo ſoon. You are as much Saxon as England; and with all your Peace-love, and more extended liberty, enlightenment, theology, and ſchool inſtitutions, do you know that from the death of the firſt great Saxon leader, Hengiſt, who laid the foundation of the Saxon Octarchy in England—I ſay, do you know that from the date of his death up to the breaking out of the firſt Civil Saxon War is the ſame length of time from the recognition of the American independence to the breaking out of your civil war? Has your complex ſyſtem and the enlightened ſtate of your ſociety prolonged the interval of peace between wars—above all civil war? I ſhall let Hengiſt argue with you preſently.

Rep.—It may have been a miſtake in our Father to have predicted that Slavery was the vulnerable point, our heel inſtitution, to be the cauſe of our diſſolution; their apprehenſion upon that point put us upon our guard; but did it deſtroy the Union?

Dem.—And during this very tornado-war haven't we made immenſe development? Are we leſs democratic?

Mon.—It is not unfrequent that the Monarchical principle, which is above all law, not below it, the king can do wrong, that is to ſay, he can not commit any breach of law civil or criminal—I ſay, it is not unfrequent that the Monarchical principle has to be ſupported through the affections, as you, Republicus and Democraticus, are wedded to your ſyſtems. Kings form a ſingle caſt or order, as well as their iſſue, and only intermarry one with another; and the ſyſtem is attractive, as witneſs the ten thouſand Americans in Paris alone, ſpending there fifty millions of francs a year. And more than that, the amount of American travel and reſidence in Europe, the expenditure of which is quite enough to pay the intereſt on your national debt, if not enough to pay your whole national expenſes, for which you get by way of return the advantage of travel, your wearing apparel, and the pleaſure you enjoy in being in or near *titled* ſociety.

Dem.—Yes, Americans have great curioſity.

Mon.—The Power of Government has to be lodged ſomewhere. In any particular act done, the numbers that decide it do not add to the right of the thing; numbers can only add to its popular ſtrength; but that's not certain, or the temporary weight attached to it; but if it's a queſtion of executive action, numbers rather leſſens the probability of its being right, becauſe of the time neceſſary to get at the judgment; whereas the action of *one will* is more

prompt, a thing of pregnant importance in governing. The weight of a vote is more pregnant than the number of them.

Rep.—All you have told us about executive ability and the Power of Government is true, but I inſiſt that its source and duration muſt be by law baſed upon the frequently exerciſed elective principle. I can not tolerate the principle of aſſaſſination, nor what Ariſtotle has told us—that in ſome of the older Oligarchies they took a public oath "*to hate the people, and to do them all poſſible harm.*"

Mon.—As I have before ſtated, or intended to, no monarch dare continue in conflict with juſt public criticiſm. His ſtrength lies with the hearty ſupport of the ſubject or citizen. Louis XIV. organized continental deſpotiſm, and it was tyranny—his various refined contrivances for weakening and lowering the heads of the old French nobleſſe—and his ſucceſſors had to pay for it. Voltaire, Rousseau, Dederot, were but the foreſhadowing inſtruments of the Revolution of '89; the cauſe lies deeper in the innate frailty of the human ſpirit. You muſt admit that the very prinples of Liberty and Freedom have been birthed in the minds of a majority of authors living under monarchical governments.

Dem.—I don't admit any ſuch thing; they come from God to man in his natural ſtate, before human ſociety was formed.

Rep.—Ariſtotle taught Alexander, whoſe father Philip thanked the Gods, not ſo much for giving him a ſon as the giving him in an age when Ariſtotle lived to be his inſtructor; and Monteſquion lived in the latter part of Louis XIV. and the fore part of Louis XV. reign. Lock, De Tocqueville, Voltaire, Rousseau, Dederot, Von Humboldt, Mills, the Napoleons—not to go on—were all liberty-loving, human development men; and Chriſt was born and lived under a ſtate of governmental blight. But this is the

age of Steam, Railroad, Telegraph, and Giant Gunpowder! Theſe ſimple governmental cauſes annihilate old forms and traditions. Inventions have a more potate application than old principles. Phyſical things have always governed the world; ſympathy and *words* of duty only milk O'Dumla.[1]

Mon.—I know the cow O'Dumla fed the giant Ymir, at leaſt ſo goes the old northman fable. The beſt form of political rule is a Pure Monarchy without an ariſtocratic claſs.

Rep.—Without a check, except upon Democraticus' principle of Revolution and blood? Why, all mankind in its life relation is the ſlave by natural law to checks and balances. If he overruns, or overeats, or is over-ambitious, he is checked.

Mon.—It is the vicioufneſs in human nature that makes Monarchy a neceſſity; and if there are many inſtances of tyranny and abuſe of power, it ariſes from the general prevalence of the ſyſtem from the beginning of government, over that of any other form. Remember the conquered Democracies of antiquity were not incorporated with the Imperial State, but ruled as Dependencies. But I muſt ſtop. Would you like to hear from Hengiſt, the Saxon leader, whoſe blood now pervades the controlling elements of the world? He ſpeaks in verſe, and argues upon the American ſyſtem.

Dem.—I ſhould like to hear from his ſpirit, but he had'nt better talk Monarchy!

Rep.—I am ready to hear from any quarter. *Omne ignōtum pro magnĭfico eſt.* (Every thing unknown is taken for magnificent.)

---

[1] Sometimes written O'Edumla and Audhumla.

PART II.

EVERYBODY who knows the author is well aware how totally incapable he is, of his own motion, to write in the ſpirit ſtyle of Hengiſt.

If the ſpirit of the dead long departed can communicate to the world, and have an influence over the living, why not Hengiſt to expreſs his own emotion, not alone on government, but on other trivial things?

He is likely to ſpeak from the monarchical ſtand-point, but it by no means follows that his governmental Philoſophy is beſt adapted to this country; yet he has a right to be heard.

THE AUTHOR.

HARTFORD, December 20th, 1869.

Personæ.

HENGIST, REPUBLICUS, DEMOCRATICUS.

I.

Hengiſt's voice is a ſpirit voice that ſpeaks;
"In the olden day when your race iſland'd,[1]
Now ſpread o'er a continent in leaks
Marſhalling, new world, meadow or highland!
Your Father-kings hop'd on for an Empire;
Their wars were bloody, their Faith, what it brings
They lived obedient to their great Sire
Odin, the God! from whom all virtue ſprings;
They conquered peoples in Northern Europe, northman
Swells to Empire! Slavonian in the van!

II.

"Slavon! Finn! Saxon! Jutes! Angles! all Teutons,[2]
All from Sythia, from the old far Eaſt,
All northmen, a word ſuiting, try it on,
Which means God-Race, and not that of beaſt!
Our name has ſuffer'd, we had no letters,
You have them to ſerve romances, evil,
We ſtudied race to learn our betters,
If ſuch there were, of Fria, Thor, or Devil,
Race-law, that is the law, governing like Heaven,
Which changes no Maſter from the beginning, ev'n.

---

[1] The Saxons inhabited the iſlands of Helegoland, North Strand, etc., at the mouth of the Elb, emigrated to England, thence to America.

[2] It ſhould be borne in mind that Hengiſt is ſpeaking of theſe races in the light of being northmen, not that of modern antiquarian claſſification.

III.

"No Elections, but all in word ſummoned,
No tyranny, for all became one will,
And all the pain-life illumin'd like Drummond
Ending in virtue, like your Sun-Day, ſtill,
Prince or Editor! both in the ſame place;
How do they differ but in the word-name
Both in their office, the ſphere over race,
For good, for evil, reſult is the ſame;
The one is unbridled, the other hath no need
No party to tumble, no revenges for ſeed.

IV.

"States that are Sovereign muſt have an Empire,
If Union is good, to ſtrengthen, preſerve,
Call him Preſident, Vice-King, he's your Sire,
All names for a day, the hour, its pleaſure;
Prince or Editor, both are deſtructives;
Both, in common prey upon ſociety,
Both from their ſtand-point act for gain to live,
To earn food and fame to ſatiety;
To ſerve their pleaſure-God up to Him whoſe breath
Is every where; was, before time-things, you call wealth.

V.

"A voice is ſpeaking, voice Antiquity,
Now in your land with its many titles;
Prieſts, Judges, words not in obliquity,
Governors, Generals, long liſt requitals;
And Honorables in number ſo great
And potent, that the animalcule air
Doth not outnumber, to ſerve ſtates and State,
In quelmes conſcience, and all below ſo fair,
A very Legiſlator, with printeres abundant,
Sees name expanding, corporation redundant.

VI.

"Reſpectability of Times is in
The unknown, as you ſee it in your climes;
The unwritten of in days that have been
Of church and ſtate, ſteeples in their chimes.
Your old Puritan was of our races;
Tired of Liberty civil goes fighting
The firſt law of his nature, its laces,
A very Saxon ſtill at work Kite-ing,
And in the four years civil war overſhadows hiſtory,
His, that has been; modern, and its trite myſtery."

VII.

You want ſomething and know not what it is.
It's Empire! upon principles unknown;
Majeſty! all-high—ſupernatural buſſineſs—
And Dignity—truth—God-word—all in one.
Its capital of all arts, apex of deſign,
Covering miles many, the work of years,
Superlative in gold, jewels to outſhine,
The Sun! with paintings, halls of many cheers,
Airs ambroſial, women, and gardens, and fountains,
Covering ſpace, valley, rivers, to ſnowy capp'd mountains.

VIII.

"And the old Doctor of Laws and Phyſic,
Theology but it muſt be but one—
For numbers in that gives Nation phthisic—
Labor eight hours a day by the ſun,
And leiſure to help the growing Empire!
To have all these in perfectability,
Some human form to weild idea, the Sire!
With rules iron in delectability!
The people muſt be taught this by force and prayers,
'Twill not be difficult, in time, to fill the chairs."

IX.

A glowing heat, centralizing Sun!
Whoſe fix'd laws control the whole univerſe!
In whoſe power and grandeur, theirs but one,
Nothing to be compared with! its purſe
Is gold, every thing is gold! and jewels!
With nought to do but to accumulate!
The ſtates to do government, its fuels
And fire-wars, by them their ſervice to ſtate!
Univerſities all upon Capitol Hill
To learn every thing as if by voice—*God's Will!*"

X.

"And music flowing and wines all ſtreaming
Illuminations, to-day the night hours,
And fair women in revelry, ſeaming,
Choruſing voices fragrant as flowers;
Pleaſing memories to dwell on the hill—
Valley by guſhing fountains ſweetly green
Songs perpetual on the night air ſtill,
Paradiſe gorgeous is the happy ſcene,
Fruitful in every thing, fruitful in all pleaſures,
The Empire Capital, ſun-ſeaſon, all treaſures!"

XI.

Republicus.

"But, Hengiſt, we are, in this life, mortal,
Men and women with frailties abound;
Deſtiny willeth—what can it foretell?
But finger on Time through life's chilly round?
Little government, little our deſires,
Simple our habits, our hopes, beyond life,
To be immortal our ſoul too, aſpires,
Beyond beaſtly ways, higher than its strife;
We have our houſes civil, commerce in full ſail,
Earth culture bringing wealth without its tempeſt gale.

XII.

"All true," ſays Hengiſt, "and letters—all true,
And Gunpowder, Thought-Lightning, Iron Car—
Do they change Nature—what you are to do?
By unwritten law dotted by the ſtar?
Body is not fed by Nomadic dreams;
Graſs is all lowly, ſimple for the herd;
One may eat graſs through life's ſilver'd ſtreams,
But nature gives more by its every word;
And man by his habit who will chooſe animal,
Should not grieve if he fall a prey to cannibal.

XIII.

"You waſte. Since your Revolution,[1] its day,
Your waſte would have built many a temple,
Your waſte atoning in heat of ſun, ray,
Would out-ſplendor all earthly ſample
Of great gorgeous palaces—in mind
Solomon's Temple in all its glory!
The achievement of brain, dumb things its glory,
Making race happy to live in ſtory!
There is ſomething wanting, you are never at eaſe,
Stripes ripen to redneſs, your life is but a teaſe."

XIV.

Republicus.

"Powerful are we not." (*Hengiſt.*)—"All races are,
In Nomadic ſtate, wandering about;
Strength is in the activity to dare!
Quickneſs of conflict! in ſiege or rout;
If you could remain all ſtationary,
Relatively you have nothing to fear;
But what ſtate ſtops? in life rationally,
Upward to the ſtars, downward to the bier,
You can not change the law, nothing remains the ſame,
No-thing that was but *is*, will *be*, no-thing but fame.

[1] 1776.

XV.

Republicus.

"We are happy, have letters—don't want kings—
Nobility—it's Prieſtcraft inhuman."

Hen.—"You have Kings, Prieſtcraft, Princes, and earth-things,
But by another name born of woman;
It is not your laws made by you controls,
It's fear of name in daily newspaper,
Books, Society and their many ſouls,
Which maſters you, keeps you from capers.
Feel ye not the Tyrant brain-blows on printed rags,
Brain-blows by Prince the more becauſe he ſwells and brags?

XVI.

Republicus.

"Kings abſorb riches, ſeduce our women,
And Nobility favors their vices."

Hen.—"Kill them. That's the law of Nature's true-man,
Nor fear not if it brings on a criſes!
But *abſorption* is not the law of Kings,
Princes, Nobility, nor is ſeduction;
Both have exiſted under every wing
Of ſtate turpitude—its obſtruction;
And whirls the morals of *your* civil ſociety
To the winds, the ſport of Odin, inſobriety.

XVII.

"If the law has no MAJESTY, there's no
Majeſty in law. A poſitive dead
And a negative, for friend or foe
Is a prayer to the Devil—all well ſaid;
Or, more in practice, in our turbid times,
The memory of good deeds ſlumbering away,
Forgotten—in the dread clashing of climes,
Unheralded by the juſt of the day,
That lie all conceal'd like virtues, in great void
Profound in the deep! for ever unemployed.

XVIII.

Republicus.

"Oh, I ſee, your way imperſonates law,
Ours idealizes it for the hour."

Hen.—"Yes, imperſonates it, as GOD does in War,
Or Peace, its workings all in its power.
Idol, ideal majeſty is old,
And againſt your FAITH, Chriſtianities worth,
And is remnant of barbariſm cold;
No advance in it—a cloud in its birth.
A thing popular is a ſenſation pregnant,
To give birth a circle, more likely its ſegment."

XIX.

Republicus.

"We are not barbarians but in the higheſt
State of modernized civilization!"

Hen.—"So moralize, in murder nigheſt,
And crime of every hue on the nation.
You have ripened to the beginning
Of civil warfare, learned to taſte its blood!
Crimſon are the waves, Cain is Able-ing,
Virtues, chaſtity to the uſes—ſtud!
Look at the great ocean of concealed vices
Known to victims and actors, germinating a crſiis!

XX.

"You have no Martyrs but of Faith—Odin,
No St. Alban of Verulam, Aaron,
Julius of Legions.[1] Yours is a Code-in,
Big houſes, cities, Society's baron!
Society is in men and women,
Not in their houſes! Put into them rats,
Is Society rat or houſe, trueman?
With taſte Solomon, or catty like bat,
Houſes never made a people nor changed *nature*,
But habits; animal all the ſame rang'd creature."

---

[1] City of Legions. See Geoffrey of M.'s Britiſh Hiſtory.

XXI.

"And your Odin-Halls in every town, villages,
Croſs-rode, ſhows the Idol, *Faith*, is maſter ſtill.
Spasmodically the law pillages
The unlicenſed Halls, makes them foot the bills;
A convenient way of raiſing taxes;
Not forgetting bawdries, hopeful
Where your modern world turns on its axis;
Some ſuch way—happy-nappy—and doleful.
Why! the Times were full of Fire, leadened the ray
Like thunder-battle, night-glare, iron, lead-hail, the ſpray

XXII.

"Turn to brighter ſcenes which nature giveth
In Sun-Light, and Moon, and Stars, deſcending
The ſport, ſpirit land, where the ſoul liveth,
Where Sire and Song-life—old words defending
Becauſe they are the *Word*—the law fulfilling,
Which the man-atom, obeys diſſolving,
And therefore ſprings the ſoul-ray, light willing
For Eternity a ſtar revolving,
And go there on old principles democratic!
Majorities, numbers, ſo purely *demon-attic!*

XXIII.

"Sovereigns! men, women, Sovereign every where,
In home caſtle, church, ſpirits aſcending,
No Society of Love free from care,
No *Alma Mater*, no Sire blending,
To be the common parent of people,
To be the Soul of Honor, its wiſdom,
The mould of faſhion, prayer in ſteeple,
The brighteſt gem in all world's diadem;
None of these things worldly, to get them in a trice,
Die early, gem ſparkling, gather 'm in Paradiſe!

XXIV.

"We can not argue; learning muſt alone
Convince in all her good time, the mind-man,
When *paſſions* ſleeping, *reaſon* mounts her throne,
And man *feels* not, but *thinks*, in ages ran
Along time-tide, back to the beginning,
And ſees the Empires dotted all the way,
Old ſplendors, virtues, voices are ſinging
In ſcenes like our ſunſet in ſummer day,
Can we not do ſomething like it for our glory,
A century employment to live in ſtory?

XXV.

"Nature has made the ſpot—I ſee it!
But where I will not ſay—for men to laugh at,
Where there could be more Majeſty and great wit
Than the world has known—nor fool to carp at—
Where the ſcene itſelf is Majeſty's will
Imperſonated; where genius of all
Art could aid to make Majeſty thrill
Through the ſoul, like immortal call
To all the world! The new world will wield the power,
Come it muſt, in ſilence tripping as the hour.

XXVI.

"I tell thee, within this century of years,
As a nation, you will have reach'd in all
A hundred million! And louder the echo cheers
Over a thouſand millions at the call
The laſt ſunſet of th' ſecond century,
A thouſand millions of people for Empire!
One Government! One Will to ſtar its way
Over the unborn! One Faith to inſpire
With wealth untold, the grandeur of the new world
Surpaſſing all of Earth's hiſtory to behold!

XXVII.

"Why, it's not magic, but is ſtern old fact,
A continent is to be peopled full,
The ſwelling tide of population impact
Ruſhing, wave on wave, like Norway's ſwelling pool,
Daſhing and ſurging on time with its wing!
Backward the current ſets, onward the ſeas roll,
The gale air 'zephyrs, the new morning ſpring
The workman labors earth wealth to unfold!
Abundance every where, and the great works of art
Have naught to equal them of man's nature apart.

XXVIII.

"I can not argue, impulſe in my race
And name, early life—I know to commune
With nature and—ſince converſion apace,
Of great Ethelbert[1] without madneſs moon—
To read God's word in books, reſtores the ſoul,
Brings Peace and all light out of darkneſs' ſtorm;
All can hear and ſee it, even to the mole,
And be inſpired, and breathe the light and form
For future uſes—I can not argue—but feel
The old world chang'd to great New, for Love and ſteel!

XXIX.

"But let it be peace; new moulded Empire.
Save your waſtings in wars and old wrongs,
To make gardens, build Paradiſe, to inſpire
New power-love for the millions, there throngs,
That all Europe and Aſia viſit you,
See the new birthing of Continent new,
Gathering in wealth, Light, for uſes true,
As flowers, foreſts, gather morning dew;
Empires, German, Roman, or Babylonian,
Or Aſiatic, all outdone—ſinking into one.

[1] King of Kent, and afterwards Bratwalda, Hengiſt's grandſon.

XXX.

"Man to-day is the newſpaper he reads;
His law controlling—their ſeed well planted.
They are not without tyranny which feeds
Diſeaſ'd appetite with ſoul enchanted!
As the curl'd-headed, white-ſkinn'd, beautiful
Angles ſlave awoke Chriſtian ſympathy
Centuries ago! So, all dutiful
The ſoul, ſpiriting in change nymphily,
Seeing the Chineſe, it looks on the Sun-Car way
As the needle to the pole—the law of deſtiny.

XXXI.

"Nations of Sovereigns, white, black, all colors,
The old amalgam of virtue's Empire,
Lion and lamb loving fiſh, pork, crullers,
In one round ſtomach, earth, heaven, nigher,
Neighbors watching each like of olden time;
But my Muſe muſt ſtop, birth'd not behind bars,
Nor 'mid Elyſian fields in warm clime,
Nor on Quebec's height in thought of old wars,
But in old Solitude 'midſt crowds of the unknown,
Where man is buffeted, the very race his own."

XXXII.

"Society has its 'culmings'—watch-fire
For ſections, as man is to his neighbor;
It's an abſorbant, check'd by wits higher,
Which Time-womb yieldeth, always in labor;
To war upon the Puritan cures no
Evil—he is the Saxon with his wants,
Marauding God-Light, pupilage, juſt ſo!
Now an Angel, now a wolf in his haunts.
The brain is all confuſ'd in age, many letters,
Struggles, and ſtrands, the iſſue prove their betters.

XXXIII.

"No Vice-Royalty for Canada ours
Up to the Revolution. England will ſee it!
We make our own in time without ſhowers
Red, to ſtultify—crimſon a "*wee bit.*"
May be in deluge! conſult aſtrology,
The ſcience of ſtars, the art foretelling
Events earthy, without apology,
Through the aſpect of the great heavenly bodies
Worlds on worlds, their grandeur!—the brain muddies.

XXXIV.

"The blood Puritan, that of cavalier,
From the ſame fountain, brothers quarrelling
The more bitter from habits ſolitaire—
Needs reſt, a little time for moraling.
The feud between the two is on the land
For generations—families unknown
Where majorities overwhelm againſt band
One or the other—but the ſeed is ſown,
The old majorities and families dying,
The tone of ſections change, the old heart ſighing.

XXXV.

"Do you pray for it? Prayer is not paſſion's
Relief when corner'd, but the ſtill ſmall voice
From *Faith* believing, ſo out of faſhion—
Hath in it God-thoughts, God-love, from man's choice
His mind expanding with his time knowledge
Of unwritten laws and world's univerſe,
Which unfolds to ſoul, in, out of college,
If he's not brigand, ſociety's curſe,
And even he once could hope in the eternal,
Till ſociety made him a little infernal."

XXXVI.

"Wont Time, in ſtaid old Hartford ſteeples high,
Bring them to tilt-war in our very ſtreets?
Of courſe not; we are ſo ſainted, God-nigh,
Odin hath no chance in ſociety's ſweets;
I ſhall not moulder long, before the craſh
Comes of contending ideas in the church,
Alarms lit by the ſtill ſmall voice all huſh!
Fires, temples burning, inmates left in lurch!
This is old war, but now we are ſo enlightened,
Of courſe, we'll yield our Faith, women 'ld get frightened.

XXXVII.

"The audacity of Fame! little rays—
Carolina, Virginia, Georgia—
Meets audacity ſchool-maſter, his ways
New England faſhion a La Goegey.
The ſchool-maſter all heartleſs and cold
Is a tyrant, nor has he redemption
In his ſoul cruel, to light children bold
In loves, hopes, follies, we do not mention.
All human offices, plume ſymbolical names
As MAN's is, denoting character, cauſe, wars, fames.

XXXVIII.

"A paper government, treaſon on the gale,
A Davis flying, Greeley in his beak,
Republic fiſhy, got to be a whale,
Sovereigns every where, habits, not to ſpeak!
There is a ſtar in cloud by Lake ſalty
In the wilderneſs—you know what I mean—
Star or cloud riſing, perhaps 'tis faulty,
Should think ſo, if truth old liveth, is ſeen!
The Devil's getting friendly, ſomething's out of joint,
State, Church, know the ſecret, we'll ſoon come to the point.

XXXIX.

"Since this poem line, ſince it was written,
From the Metropolis hear ye the cry,
'The Imperialiſt!' ſome quack brain ſmitten,
Monarch Meleneum without a ſigh!
Old ſociety is ſick—on the wane,
Wild crimes—lechery, all alive, ſo true,
But where's the virtues that are not inſane?
The Imperial Party to *ſerve* and *do*,
When monarch forms ariſe above the people,
Virtues are paramount in Society, ſteeple.

XL.

"Society is on a dead level;
Requires a Wit to make that level dead.
We are in Empire—good ſhare of d—l,
Can ne'er eſcape from that for which we've bled.
The difficulty is there is not found
Something by way of contraſt to build upon;
Virtues and vices claſſ'd, you may be bound
Are neceſſary, except ours, in one,
Hotchpotch the ſtates and ſtate? delectably ſo,
Patch up old parchments, but govern outſide you know.

XLI.

"What lettered parchment rules God's Univerſe?
What "Bill of Rights" or conſtitution learned?
To make atoms change life hours to hearſe
Man the exception never to be Urned?
The truth is the Owl governs more than law,
The Owl-form things that are not new, human,
If they get mixed why it's only war,
Then human water-drops from man and woman.
The tear 's a law, ſwelling to Deluge like the ſea's
Firſt great employment, for our anceſtor, you, me!

XLII.

"Buſhnell ſettles the queſtion of woman's rights,
But from the ſtand-point of round ſixty-one;
She to be ſubdued all by day or night,
Her Providence—*work* like ray of ſun,
Here's the difficulty; the better judgment
Of old years is not of youth's heated blood;
The ſuffrage queſtion, what by it is meant
Is, by youth decided in or out of flood,
The active ſovereignty, the energy that rules,
Is in maſſes male, female, outſide the ſchools.

XLIII.

"Buſhnell on women, he in his old age
Muſt give way to Stowe in a quandary,
Not about Byron as Poet or Sage,
But "my Lady jealousy" like, of Laundry;
Of his good Siſter, his ſweet love for her
All animal, not a ſhade of Chriſtian!
His crime unequaled, ſee! the cat will purr
Till dead then to ſcratch! if not all fuſtian,
But really who dare complain of right in women,
To ſet three ſpirits (dead) in quarrel, like true-men.

XLIV.

"Oh woman! the bright particular ſtar
To guide us in this dim world of woldings,[1]
And moor into the deep blue heavens afar,
Where there are no quarrels, jealouſies, worldlings.
Of purer life and light we know not of,
But feel the inſpiration when the ſoul moves
To approach its Deity above
In ſweet heaven-born marriages of Loves!
Not cattled, like loves for gold, above, little
Courtezan relation—ſo to make life *brittle*.

[1] Wold and wald with the Saxons ſignified a ruler or governor; from whence Bartwold is a famous governor; Ethwold a noble governor, e tc

XLV.

"Youth, beauty, in their hours all hopeful
Eaſily impreſſ'd love art, ſcience, beautiful,
You give them a Penitentiary, rape full—
Inſane Retreats, work-houſes, dutiful.
Even your churches look all gloom, ſorrowful,
The war love goes on—the happy ſpirit
Grows timid, ſinks ſlow to the horrowful,
See it! faſt life, the reward of merit,
Except with thoſe whoſe love feeds on hope, ſo cold,
Of fame beyond decay, hopeful beyond old mould.

XLVI.

"Have we a government outſide of the Church
And Preſs? if ſo, where is it? It's virtue
Apace like dreams or night-mare, in lurch
The victim ſtruggles as if 'twould hurt you.
We have the burthen without the bleſſing
Of good governing power creative,
All the Inns reſpectability preſſing!
Glorious ſymbol! ruſtic! abortive!
To ſwell the tide of human ſuffering and folly,
States on a bender—a whole nation get jolly.

XLVII.

"You have two Bedlams, how they brag and grow
New York the harbor for the Eaſtern World,
For Aſia there's St. Franciſco you know,
Bedlams hedging in Republics cold;
Their ſunlight 's ſpreading o'er a continent,
Radiating to towns and villages,
And farms-people many wonder what it meant
Or means, Saxon by the ears at Pilligies!
Empire prevents all this, if not, let vote the women
So the fight is general, leſs *woe* to the men.

XLVIII.

"But to return—are my houſehold idols
Warm of my blood and full of Chriſtian Love,
To be inſtructed by beſtowy vigils?
In worldly marriages involve and Dove
'As the proper goal and right terminus
Of a wild and diſſipated career,'
'The appointed miſſion' without much fuſs
'Of good women,' for gold nor thought of tear,
'To receive wandering prodigals' all in 'rags
And diſgraces of their old life' and money-bags,

XLIX.

"And wine, women—'and put rings on their hands,
And ſhoes on their feet'—them to introduce
'Clothed in their right minds,' to all ſaintly bands,
'In honorable career' for 'ſociety' use.[1]
What morals here but profligacy grand?
Cattle marriages; no true Sacrament;
Loves like animal and like them to band,
While moraliſt gaze wonder what it meant.
There is—there can be no marriage by Chriſtian rule
But in Mutual Love, good in Honor the ſchool.

---

[1] Stan. XLVIII., XLIX. "Marriage has often been repreſented as the proper goal and terminus of a wild and diſſipated career, and it has been ſuppoſed to be the appointed miſſion of good women to receive wandering prodigals, with all the rags and diſgraces of their old life upon them, and put rings on their hands and ſhoes on their feet, and introduce them, clothed and in their right minds, to an honorable career in ſociety."

True Story.

[Clergymen, Authors, nor Editors, are not infallible. Old Hengiſt may catch it before the work is through.]

L.

"My ſoul's immortal! this is not belief
But knowledge; a truth thing I do know!
One can not ſhow it as the ſun, the leaf
Sun-ſoul lighting it in pleaſures or woe.
The ſpider threads, and ſpins, and builds his houſe,
Man threads life away but leaves no *web*,
Voices above the ſpider or the louſe,
Unheard ſphere-muſic like that of cherub,
And in his commune with the wide World-Univerſe
Sees his *ſoul* birthing, light-loving, beyond the hearſe.

LI.

"The pointing graſs, ſhrub, tree-top, mountain peak,
Waves leaping, ſhip's maſt! all warm blood that leaps!
The heart throws down and up the ſtill brain to ſeek,
The ground tendril round the old oak creeps!
What ſpeaketh theſe to man ſoul communing?
What the night hour, worlds on worlds, blue-ing,
The never ending hope-life conſuming,
The never ending prayer for things, *ſue*-ing?
Why! the part not mortal is immortal—the Soul,
Chameleon colorings, eye viſions point to one goal."

LII.

"Oh full of horror are the bleeding times,
A Maximilian murdered[1] in cold blood,
And Santa Anna[2] groans amid church chimes,
Bell-ring waving o'er crimſoning flood!
Empire muſt be ſeaſoned, red the ground,
Broad the ſympathies before it takes root,
The death of Martyrs makes the good re-bound,
And nearer Empire, Mexico the ſchoot!
We have Vice Royalty in Canada, northman, north
Swelling to Empire, new glories, what they are worth.

---

[1] This was written before the actual execution took place.

[2] Of all quondam heroes he's the greateſt, always paſt.

LIII.

"My heart ſympathies for thoſe that lie cold,
Within a week my heart's choiceſt idol
Has been inſulted by a miſcreant bold!
But let it paſs—life's fitful requitals—
We have to atone for ſomebody's ſins.
Now a ſnake's crawling, betwines an owl ſtares,
The world's problem is, for the ſtar that wins
The world's Prelate, or the Lion that dares,
I am worn almoſt to madneſs in this hour
Of private war, perſecution, gold, its power.

LIV.

"The unlettered Indian was ſwept
Away by means, ends, we do not mention;
In time their *dark friends* in ſlavery kept,
Excite ſympathy—our condeſcenſion.
We raiſe them to arms and letters pregnant;
And in the ſeed, the work of our own hands,
Our deſcendants find, in circles ſegment,
The bloody race-wrong, deluging the land—
Iſn't it ſo? God working through race, all his people,
To ends by choice, enlightenment of his ſteeple.

LV.

"The Deluge drowning every living thing
But ſuch the ark can bare of lify world,
The floods retire, to earth a new-born ſpring,
The fiſh germ birthing man-animal, blood all cold,
Or warm, it may be, diſpute not the fact,
From ſuch a germ the races would differ,
Of ſlimy caverns, ſand-mounds, ſun in tact,
But then the Garden birth we, perhaps, prefer,
To the dark earth'd fiſh-ſlime, which has no poetry,
There iſn't much in human nakedneſs—ſo let it be.

LVI.

"The Salachians are themſelves a claſs,
Oldest type of vertebrates on earth,
Fiſh, like animal, with head, cheſt, to paſs
Abdominal and caudal of real worth,
Which lays few eggs, other fiſh by thouſands,
"Wonderful its brain,"[1] but we'll not go on,
There is a cauſe for man, and germ unlearn'd
Beyond the Temple, beyond ſpace, in One,
Beyond the death dew change, liken it to a ſoul,
Which is a germ groweth for new worlds beyond the Pole.

LVII.

"Germ is every where; God is every where;
God, cauſe, and germ, element the ſame;
But one is paramount to do and dare!
Is everlaſting!—like God, like fame!
Down in the ocean-water there is a germ
Of every fiſh-type, monſter, claſs, or tiny,
Swallow the water, the hot ſun to warm
Birth-life in ceſſpool—gravel-bed of niney,
And for Earth—ſee Monkeys, Apes, and Orang-Outangs,
Animals of all claſs ſpring, with, without fangs.

LVIII.

"But the cold world and its dull deſtiny
Is ruled by law-fact, unſeen controlling
The nature within, acting in its way—
Men-balls, fact-pins, power-wit, bowling.
Some of the pins are knock'd aſide in death,
Some are new moulded to anſwer a turn,
Some men-ball are cricket not worth a breath,
Some have fame, ſome ſuffer, and, may be, burn;
Make a ſpeech to them, be careful quote no folly,
Work hard, do good, be laugh'd at, die, or get jolly.

---

[1] Agaſſiz.

LIX.

"For ourſelves we prefer the leaſt evil,
The one buoys hope if not birth'd by wine,
The other may mate us with the d—l,
Who keeps ſtrong drinks, gold, and ſuch things in line.
I wiſh I knew the way to have no wants,
Nor hopes—to be a reſpectable ſtone
On Faſhion's Beach[1] all "wordy life" and "cants,"
In hot day, wave breaking on us, as one;
Some pebble-rock daſhed rolling where no eye has been,
Companioned without quarrel, ſeeing, yet unſeen.

LX.

"They do not bear pains in travail birthing;
No heart-ſick, love-abuſed ingratitude;
But like an airy feather unearthing,
Roll on *unſwallowed* by time's ſervitude,
No fiſh eats it, no lobſter's claw claws it,
Snugly in coral reef it may take long reſt,
No preſumptuous oyſter, tearing, chaws it,
Caroled, pearl'd, down in the deep is its neſt,
Where the waters motionleſs, hues all chameleon,
Dance around, ſpirit-full, moon ray the poſtilion.

LXI.

"Down in the depth's below it neſtles ſnugly,
Fiſh darting, jewels gliſten, clouds, ſunſhine,
Nor the unſeen ſerpent, monſters ugly
Diſturb his weedy bed in watery brine,
Happily he rolls where current cometh
Like a babe ſwinging way down in the deep,
Lull'd by the ſphere-ſong old ocean hummeth,
Down below the water there it can ſleep,
Roll on, dance on, hugging the ocean-earth dearly,
Life to the joyous, white, cleanly, and untearly.

---

[1] Long Branch, near New York.

LXII.

"The great Savant,[1] the genius of the hour,
Full of all knowledge, ſcience governor,
Tell us the Firſt *Cauſe*—the *Cauſe!* its Power
Over ſouls, brain-men, time ſlaves!—what for?
And ye Mathematic, ye of Chemiſtry,
That can diſſolve worlds! calculate the time
It takes to make the germ of fantasy!
The *Cauſe* in Law we know it, and ſo rhyme,
The *Cauſe* is the God, to the thing that we ſo know
The God we worſhip is HIM beyond the ſo-ſo.

LXIII.

"That makes inquirers everlaſting wiſe,
Who feed to govern—feed them well for ſafety,
They may be inſtruments beyond the ſkies
To make a diſpoſition of us, *waſe we*,
And ſo it is we have all profeſſions,
But I'm of the learn'd!—I learnt it, a boy,
And couldn't ſmile at *Will*, in all confeſſion
May be very wrong, it ſeem'd an old toy,
To govern when ſcience hath not then its Empire
Of all knowledge learn'd, man-animal to ſoar higher.

LXIV.

"Science! head of all that's earthly, ploughing on
Beyond the time-world to its eternity!
Science! that unfolds miſt, the lowering one,
Diſſects light, color, the germ fraternity,
Mind, unfolding new birth, new development
That looks beyond the border of what is
Way into the Unknown!—moral, life well ſpent,
Rounding hours with fact, ſometimes with a quiz;
The ſilk-worm's uſe and the thought-meſſenger brightening
All 'round the world quicker than one ſays it's lightning.

---

[1] Profeſſor Agaſſiz, of Cambridge.

LXV.

"Science! with thy name this talk-hour ends,
With thy employment no evil ariſe,
The profound in thought life like, make amends
For ſins ignorant crowning worlds with ſkies,
Encourage the men who can make iron horſe,
Wire ſpeak at the antipodes,
The leaden meſſenger of death in courſe
Go miles to ſlaughter, ſwifter than the breeze,
Like it, unſeen ſweeping o'er the earth to the end
Of purification, politics, to make amend!"

END OF PART II.

A STUDY OF

MUNICIPAL GOVERNMENT

IN

MASSACHUSETTS.

By FRANCIS J. PARKER.

BOSTON:
C. W. CALKINS & CO.
286 WASHINGTON STREET.
1881.

Entered according to Act of Congress in the year 1881,
By Francis J. Parker,
in the office of the Librarian of Congress, at Washington.

C. W. Calkins & Co., Printers, Boston.

A STUDY OF

MUNICIPAL GOVERNMENT

IN

MASSACHUSETTS.

BY FRANCIS J. PARKER.

Municipal Government.

THE history of municipal government among Anglo-Saxon people is an exceedingly interesting study. Originally the most democratic institutions of their time, and the simple product of its necessities, they finally came to be in Great Britain almost entirely oligarchic, entirely artificial, and so intricate in their constitutions, as to be not at all understanded of the people who were once their constituent particles.

All resident householders not being bondmen, and paying scot and bearing lot, were once the burgesses and citizens, in boroughs and cities, as also the freemen in the shires. Until the time of Henry VI. of England, none of them were true corporations,* but as a rule all power was based upon the suffrage of the burgesses and emanated from their consent.

In the course of centuries of time, marked by continuous usurpations of those in authority and by indifference on the part of the people to the preservation of their privileges, the administration of the municipalities of the realm passed into the control of close corporations, until the towns were governed, as some are

*The first charter of incorporation to a municipal body was granted to Kingston-upon-Hull, 1439.

now, without the consent of the people, and often by non-residents and strangers. A careful writer reviewing fifty years ago the history of these corporations, and discussing the possibility of such reform as it was then admitted was required, found no better remedy than to "retrace the progress of abuse, and restore the ancient simplicity of municipal institutions," and the acts of 1835 (5 & 6 W. IV. Ch. 76) began a reform in that direction and upon that basis, which has brought the greater number of the boroughs under one simple form of government.

In America we have as yet no case of gross political usurpation, such as that by which the government of the city of London has fallen into the hands of non-residents, who appropriate the funds belonging to the people to defraying the expenses of their own revels, and to the support of their friends and relatives in sinecure positions; yet we may see that the simple town government of our fathers is rapidly being converted into a piece of administrative machinery, mysterious to strangers, and by no means clearly comprehended by those who are supposed to guide and control its operations.

It cannot therefore be an unworthy subject of consideration to trace out the origin and growth of our town and city constitutions, to observe what needs they were framed to meet, to learn what has been the character of their growth, and to discover the tendency of the changes to which they have submitted.

The government of a borough in the 17th century was commonly invested in the mayor and a common council. The members of the common council were chosen sometimes by the freemen, sometimes by

burgesses chosen by the trade guilds, and sometimes by the corporations. These councils were in most places composed of two classes, aldermen and councillors. In a few corporations the aldermen had distinct powers, and met separately as in London; in others, the distinction was merely honorary. The aldermen were chosen by the common council from their own number, and the mayor by, and generally from the aldermen; but there was considerable variety in the constitution and usages of such bodies. Originally the boroughs were composed of a body of people gathered in one locality for the convenience of carrying on their business under mutual protection. This defensive character is evident from the large number of old towns whose names terminate in *don*, *ton*, *stow*, *stal*, *stack*, *fold*, *yard*, *burg*, *borough*, *bury*, etc., all indicating enclosure.

The prime privileges of a borough were—1, to combine for defence. 2, to hold markets and fairs. 3, to have courts independent of the shires. The close association in each place of the men connected with each separate trade, finally led to the incorporation or organization of trade guilds, which were for the most part charitable societies. In these the members came to have great pride, and at last to esteem membership in their guild above citizenship or burghers' right, although every member of the guild was then a burgher, and the great majority of the burghers were connected with some guild. Wealthy members left property to their guilds, which property and its great increase in value, tended yet farther to aggrandise the influence of the guilds, all of which in one town would sometimes be united in a "guild merchant." The result was that in times of great political disturbance, and after many contradictory decisions in the courts, and in the House of Commons, the administration of many of the boroughs fell into the

hands of these corporations, and their members became the only electors.*

Another phase of transition was, that by a gradual process, non-residents were admitted to freedom of the guilds or of the boroughs, for a consideration in money or as a mark of honor; and the humbler members were by degrees excluded, until the control remained in persons who were or might be strangers to the trade, and non-resident in the town which was governed by their votes. No merchant tailor is now a member of the wealthy London guild of Merchant Taylors. There is no saddler in the Saddlers' Guild; indeed for one of any craft to be a member of the guild which bears its name, is the exception, not the rule. Their places are filled by wealthy and titled gentlemen, privy counsellors, judges, and distinguished men from other parts, whose kin-folk are the Tite Barnacles of the city offices, and whose membership in the guilds gives them an interest to prevent any reform.

We have seen that the origin of the great majority of the boroughs in England, as elsewhere, was in the necessity of combinations to protect and to further the interests of trade. The charter of the Company of Massachusetts Bay was "in the Royal intention and the adventurers' free profession," granted and accepted for the purpose of inviting the natives to the knowledge of the Christian faith; but it purposed to make that holy

*So far from being the representatives either of the population or the property of the town, they [the councils] do not represent even the privileged class of the freemen, and being elected for life, their proceedings are unchecked by any feeling of responsibility. — Report of Municipal Commission of 1835.

mission not merely self-supporting, but actually profitable to the adventurers. It was in fact the charter of a trading company whose seat it was intended should be in England, where its four great and general courts were to be held each year; and because the objects of the company implied the emigration of colonists and their establishment in a distant and uncivilized land, the general court was authorized to make ordinances and instructions for the government of the colonists according to the usage of other corporations (boroughs) in the realm of England, and the officers appointed by the company in England to govern the colonists in America, had the power to punish and pardon according to the ordinances made by the company. The charter manifestly contemplated the organization of something similar to the ancient English borough, for it authorized the combination for defence, the creation of courts, and the freedom to trade, which were the original characteristics of the Saxon boroughs.

In our day the title "Governor," which was given to the chief officer of the company, conveys to the American mind the idea of a political magistrate; but in the time of Charles I., and in England even now, the nearest synonym is "President." Thus the Honorable Robert Boyle was the first Governor of the Society for the Propagation of the Gospel among the Indian Tribes; and the chief officer of the Bank of England yet bears the title of governor.

Whether the Company of Massachusetts Bay was or was not a political or municipal body by its charter, it certainly was capable of creating such a body for the purposes of its organization. The bringing over of the charter and the establishment of it here as a political government was an after-thought, but when so established the entire administration of local affairs was

wielded by the company, which constituted itself a municipal government such as a borough or a shire; but not upon the liberal basis of the ancient boroughs, for after a brief residence, church membership was made an essential pre-requisite for the exercise of the suffrage and for holding place.

It may be worth while to note here the curious fact that this Company of Massachusetts Bay, itself certainly not more than a municipality, and present in America in opposition to the intent, if not technically in violation of the provisions of its charter, not only became the author and ruler of subordinate municipalities, but within fifty years of its arrival actually undertook to charter a colonial government for Maine, and appointed its governor and deputies in opposition to those commissioned under the authority of the English government.

The settlement at Plymouth was made without even the shadow of corporate authority. The voyage of the Mayflower and the Speedwell was undertaken by the emigrants with the intention to settle within the bounds of the patent to the Virginia company, from which they had a license. In 1629 the Plymouth company in England granted a patent to Bradford and his associates, which patent was in 1640 surrendered by Bradford "into the hands of the whole company, consisting of the freemen of the Corporation of New Plymouth"— which in fact was not a corporation. Thus for eight years or more the only authority for the administration of government in Plymouth was the natural right of a community to establish a government where none existed before, and it is evident that that colony had no abiding faith in the technical legality of its proceedings.

It may have been from this cause that the basis of their commonwealth was broader and their acts less

tyrannical than those of the Bay people. To be a freeman in Plymouth it was not necessary to be a church member; even Miles Standish was not a member of their church and was, it appears, rather partial to such irregularities as hunting and fowling on the Lord's day; but if he was a thorn in their flesh, he was also a thorn in the flesh of their foes, and he was one of the most influential of their magistrates. The qualifications of a freeman in the old colony were almost identical with those required of burgesses in Saxon and Norman days —submission to the common government, paying scot and bearing lot, and headship of a family.

To the uncertain authority of their general court may also in part be ascribed the fact that the development of town governments there was more reluctant and slower than in the Bay.

In both colonies the central power relinquished the direct government of their settlements only gradually, and the change of the governing authority from a borough to a colonial form was apparently a concession to the necessities of the case. At first it was the custom to assemble all of the freemen, or such of them as could attend, in each session of the general court; but when, by reason of the expansion of their plantations, this became too severe a tax upon those more distant from the seat of the court, the various precincts were allowed to send representative deputies.

In the Massachusetts, the freemen had the right at any general court to nominate, elect, or remove any one or more of the assistants, who combined in themselves the functions of their executive and judiciary. In one case they did fine the court of assistants for breach of an order passed in the general court. When the deputation of representatives was first permitted, the number of delegates from towns was not prescribed, but the

deputies acted as proxies authorized to vote for the whole number of freemen whom they represented; the law was permissive only.

In Plymouth, when the system of deputies was adopted for the convenience of the freemen, it was provided that all ordinances should, as a rule, be propounded at one general court and stand over to the next, to be then confirmed or rejected; and even after they had been thus confirmed, the body of the freemen might at the next election repeal such acts and make others in place of them. So careful were our ancestors to keep the government always in their own control.

While these, the original municipal governments, were in process of transformation into colonial constitutions, the real towns were being developed.

There has been much controversy as to the exact date of the birth or origin of some of the earlier towns, but the creation of towns was not always in those early days a matter of intention, and it is often impossible to determine the year in which they became corporate municipalities.

Any group of farms or dwellings was called a plantation or a town, but at first all were ruled by the general courts, without the intervention of any other organized authority, even to the regulation of the pettiest affairs, such as are now left exclusively to towns and cities.

The first localized officers appear to have been the constables, who were officers of the general court, and appointed by it; but a body, called in Massachusetts "ye overseers of ye towns occasions," or, more briefly, "ye town's men," and in Plymouth, "ye committee" were evolved at an early day, probably by natural selection

of the freemen, without any especial authority from the court.

In the Bay, towns were ordered to provide arms so early as 1631, but there was no town body to execute such an order, or upon whom it could have operated. It must, therefore, have been a general mandate to the inhabitants. In 1635 the freemen of towns were authorized "to choose their particular officers, and to make such orders as may concern the well ordering of their own towns, not repugnant to the laws of the General Court;" but there were even then no definite bounds to the towns. In 1642 the "selected town's men" were authorized to lay out town-ways, to see that children were properly governed and taught to work, to try causes in certain contingencies; and in 1647 they appear under the now familiar title of "selectmen," and then had authority as assessors.

The progress of the Plymouth colony was not so rapid in the development of towns and their government; but because that colony was older, they preceded Massachusetts in date, and it is quite probable that the experience of the former enabled the latter to proceed more speedily and more understandingly.

The "constable-rick," or "ward," is mentioned as a locality in 1633, at which time Scituate is described as a ward, and for many years the constables were *ex officiis* highway surveyors. In 1636, upon the revision of the laws, it was enacted that "the town of Plymouth, viz. the purchasers and freemen, have liberty * * * * to make such orders for their convenient subsistence as shall by them be thought meet and convenient, provided that they be not contrary to the public ordinance of the Government;" also that "Scituate be allowed the like liberties;" and in 1637, that "Ducksburrow have the privileges of a town." In 1639 towns were authorized to

make levies, rates, and taxes for town purposes, and in the town meetings, the freeholders and heads of families, as well as the freemen, were capable of voting, although the officers chosen were required to be freemen.*

We can readily understand how the evolution would proceed. As towns grew to be more numerous and more populous, the tendency to increase the sphere of local government would grow stronger, and the duties would be divided. To the selectmen were added assessors for levying the rates, overseers for the care of the poor, and a special body in the town or school district for the supervision of school matters, until at last there resulted that excellent specimen of a little democracy known to us forty years ago as the New England town of that period.

It was a very peculiar organization; one such as no theorist ever could have formulated; in some respects a very intricate governmental machine, but yet one which worked satisfactorily. The legislation for which there was occasion, such as the by-laws and ordinances of the town, the parish, or the school district, was enacted by the qualified voters, assembled after due notice, with warning of the business to be considered; and the grants of money were made by popular vote at such meetings.

The administration was divided between several bodies almost entirely independent each of the other. The selectmen called the meetings, supervised the accounts, and constructed such roads and buildings as the town meeting ordered. The assessors valued the estates, and fixed the *pro rata* of the tax levy. The school committees in each district appointed ("hired," they were apt to term it) all teachers, and provided supplies for the

*A freeman was one who had the freedom (*i. e.* was a member) of the corporation — a corporator, a voter. The "freedom of the city" in our day, includes all the rights of a citizen.

schools. The highway surveyors kept the roads in order, each surveyor having his own district. The overseers of the poor cared for the indigent. Besides these there were the town treasurer, town clerk, fence viewers, and cattle reeves, with other occasional officers, each for his own separate duty, and all chosen by the qualified voters who, in and by the town meetings, controlled the town affairs.

This was a government where the body of voters was the legislature, — a unit, although a cumbersome unit, — and where the executive was many-headed. It was the nearest practicable approach to a pure democracy, and in a time of universal intelligence, and when all the people interested themselves in town business, it served its purpose well.

The time came when the town meeting of Boston, by reason of its increased population, became a body too unwieldy for the satisfactory transaction of the town business, which from the same cause had become so important as to require more rather than less careful attention, and when the need of an executive head became apparent. Some remedy was necessary, and the remedy adopted was the first city charter of Massachusetts, which was as conservative as possible. The town meeting was condensed into the common (*i. e.* the commons') council, a body of delegates chosen by the people in ward meetings; the selectmen were retained under the title of "The Board of Mayor and Aldermen," the mayor having little more authority than the chairman of the selectmen previously had. The school committee and the overseers of the poor were still chosen by the voters, but the other officials were elected by concurrent vote of the two branches of the city council, or appointed by the mayor and aldermen.*

*The first project for the city charter of Boston provided for an Intendant, Selectmen, and a Board of Assistants.

There was in the new city government a certain outward resemblance to that of the commonwealth, but the likeness was outward only. The two branches of the city council were not coördinate. The board of mayor and aldermen not only possessed legislative powers equal to those of the common council, but it was also a chief executive whose negative was an executive veto, absolute and unqualified, while the common council was indeed a "lower branch" which, having once granted the annual supplies, had but little authority or occupation.

The whole municipal history of the city of Boston and of our cities of later date, is marked by the struggles of the lower branch to acquire greater influence and to obtain a share in the executive power, and the resistance of the aldermen — constant, but on the whole, ineffectual — to any division, reduction, or dilution of their authority.

Out of these struggles we have come to the present type of city government in Massachusetts. Boston is of course in many respects exceptional, but its story must be a prophecy of the future of its younger sisters. Its constitution is a marvel of intricate political machinery. The executive authority is greatly divided, without sufficient central control to give to its operations unity and force. The mayor and aldermen, committees of the aldermen, joint standing committees of the city council, boards for the government of the schools and of charities, commissioners of streets, fire, water, and police — all are in some sort executive, and operate within the same city limits, often impeding each other, rarely consulting one another, each jealous of any interference by another, and all with no source of common direction except by a contested appeal to popular

election or legislative interference. There is no body which possesses all the legislative power, and no body that is exclusively legislative.

As a more simple type of the city of to-day, we may take the charter of Newton — the last one organized under the laws of Massachusetts. There we find one branch of the city council which is principally, but not entirely legislative, and one which is declared to be the executive generally, but which possesses also more than equal legislative power. Of the various officers or boards charged with administrative functions, two are appointed by joint ballot; six by concurrent vote of the two branches of the city council; four by nomination of the mayor, confirmed by the aldermen; one by popular election; and one partly by each branch of the city council.

The only act (save certain nominations) of which the mayor solely is declared to be capable, is the assembling of special meetings of the two councils. He cannot convene the school committee or the overseers of the poor, except by their authority. In the board of mayor and aldermen, he has less authority than any other member. He has neither voice nor vote in the appointment or removal of the treasurer, clerk, superintendent of streets, city physician, auditor, solicitor, school committee, overseers of the poor, or assessors; nor can he for any cause remove or suspend any official without consent of the aldermen. He is *ex-officio* a member and presiding officer of the overseers of the poor and of the school committee, but as to the latter, he cannot in any way interfere in their appointments or doings except by his casting vote.

The question has been raised whether the mayor is at liberty to enter into the discussion of any subject pending before the school committee, the board of aldermen,

or the city council in convention, of all which he is the presiding officer. Even the appointment by him of the committees of the aldermen is without authority, save such as is implied from the assent of the board; and he would seem to be excluded from any share in the care and management of public buildings and public grounds, except in so far as his assent is requisite to orders or ordinances concerning them.

In the board of mayor and aldermen is vested "the executive power of the city generally;" but that board has little or nothing to do with the execution of the school laws or the poor laws, and the common council through its influence in the committees which have supervision of various departments, shares very largely in the executive power.

The school committee is practically a third branch of the city government having powers both legislative and executive, and within its own province it is not trammelled by the veto power of the mayor. In some respects it cannot be controlled even by the action of the city council and the mayor combined.

The one redeeming feature of the charter is that by which it is provided that general meetings of the citizens may be held to instruct their representatives who, bewildered by the mazes of their form of government, it may well be believed will often stand in need of such instruction.

The legislative powers of the city government, it will be seen, are divided between several bodies, all of which possess also a greater or smaller share in the executive authority. The administration is also greatly diffused, so that power and the corresponding responsibility is scattered and uncertain — a state of affairs which is made worse by the frequent interference of the state legislature, by laws mandatory or restrictive.

The custom of administering the city duties through standing committees is one which deserves especial condemnation as the source of mal-administration and defective government. These committees comprise all of the members of the city councils, and each committee claims and obtains the general supervision of its own department, and is jealous of any limitation or restraint upon its power or its patronage.

Of course when all the committees are moved by such feeling it is easy to effect combinations, and the common interest will often, without any formal combination, result in reciprocal aid in granting appropriations such as are not really required and would not be granted were the granting and the spending vested in entirely separate bodies.

The acknowledged value of the towns as schools in republican government consisted not at all in the perfectness of their constitution — for it was rude and crude — but chiefly in the free public discussion which characterized the deliberations of the town meetings; in the fact that every citizen as a member of those meetings was clothed with a share of the power, duty, and dignity of the local government, and that the young men learned as onlookers to be ready to perform the duty when it devolved upon them.

From the town meetings with their earnest contentions and rude oratory which were wont to attract the attention and the attendance of the public, the transition to a common council of a dozen persons and a board of aldermen of a half-dozen is a very great change. Affairs which were considered in the meeting-house or the town-hall in the presence of hundreds of people, are relegated to little chambers in which the presence of a half-score of spectators would produce the incovenience of a crowd, and the public interest declines in proportion

to the public attendance. Real debate and forensic discussion are difficult among six or twelve men, who are also the only audience; and when even the local papers find no advantage in reporting more than the most important of its acts, the city council drops away out of the public view and soon becomes an affair of rings arranged for personal or partisan benefit.

It is not very different even in the larger cities. So uninterested is the public and so divided is the responsibility that matters drift along from bad to worse, until, under some great feeling of wrong, or in the presence of some peculiarly odious form of abuse, the people bestir themselves and overturn the *personel* of their government; after which, as if exhausted by an unusual exertion, they lapse again into their normal state of indifference, and their representatives re-form their rings instead of reforming their government.

It is not surprising that such governments should be the subject of frequent complaint. They are expensive, inefficient, intricate, and unsatisfactory; and perhaps none realize all their deficiencies more thoroughly than those who have been officially connected with them.

To criticise is easier than to create; to pull down is more simple than to build up; and yet it may be possible, hewing down to the mark of theoretical perfection, to improve upon the conglomerate institutions which we and our fathers have suffered too long. The genius of our age which revels in surmounting impossibilities must not stand aghast at the idea of the reconstruction of municipal government in New England. To patch what has already been patched too much is simply an absurdity. Real reconstruction should be thorough.

What is required now is, what the writer already quoted found to be necessary if reform was to be effected in Great Britain fifty years ago, namely, "to restore the ancient simplicity of our municipal institutions"; — to restore, not the institutions, but the simplicity. Is this possible?

The whole fabric of American government is based upon popular suffrage and democratic rule, and our town governments must therefore be popular and democratic, as they were in the olden time. The making of by-laws and ordinances, and the granting of appropriations, must be again separated from the administration and execution of the laws and the expenditure of moneys granted, — a separation so important that the Bill of Rights of the Commonwealth, Article XXX., enjoins it upon the government of the State, in the most emphatic terms, "to the end it may be a government of laws, and not of men." Not less important is it that, in the interest of simplicity, all legislative power should be entrusted to one body and that the executive responsibility should also be made a unit.

When, by reason of the increase of population, the town meeting becomes too cumbersome, it may be reduced in bulk without attenuating it to a point, or dividing it into rival chambers. The body which is to replace and represent the gathered mass of citizens should itself be numerous. In either of many ways provision may be made which will ensure the representation of all interests and ideas among the citizens. The constituencies may be made small, or may be different; terms of office may be arranged to expire at diverse times, or cumulative voting may be permitted; none of these, however, are essential, or more desirable to the form now proposed, than to the existing or any other constitutions.

Any of these expedients may be extended or reinforced, or possibly may be supplanted by a provision which shall authorize any member of the city council to appoint in writing any citizen properly qualified, to act at a meeting of the body as his proxy, with power to speak as the elected member could do if personally present. Under such a provision, whoever has matters of importance to present to the city legislature may, as the proxy of a friend, who absents himself perhaps for the purpose, appear and advocate his cause on the floor of the council as the peer of its members, and will have no occasion to resort to lobbying, or wait for public hearings, in either of which cases his position must be that of an inferior and a suppliant. How can such permission be harmful? It was the right of every citizen to argue his own cause, or to present his views in the town meeting, and it is merely proposed to boil down the town meeting.

The city council should consist of one chamber only, as it does in the greater part of the city governments in this country and Great Britain, and as it did with us when the town meeting was our legislature. Who, then, would have dared to propose that the selectmen should have the power to veto the acts of the people? Why should such an opportunity for jealousy and bickerings be permitted, to the impediment of the public business? A qualified veto in the mayor would be sufficient check upon too hasty action.

The city council should be the only legislative body of the municipality. To it, with its increased numbers, may be confided all the legislation required for the schools or the poor, and it may well replace both the boards which now govern those departments. For many years the school boards and the overseers of the poor have been undergoing an important change — executive

duties have been devolved upon the superintendent or supervisors of schools, and upon the almoner, and the boards have become to a considerable extent advisory or controlling bodies only.

The city council should not only be the sole legislature, but it should be legislative only. No executive duty should be imposed upon it, except such as is implied by the power of confirming or rejecting the nominations of the mayor; and to prevent the growth in it of executive influence through its committees, there had best be no standing committees whatever. A body so numerous, and so accessible to argument, will have less occasion for committees than the city councils as now organized. Petitions and applications would naturally be referred to the chiefs of departments, whose reports to the council would supply information and advice. These reports, supplemented by verbal statements, the result of interpellations, would supply all that the council would need for its decision in simple cases. In special cases, special committees would be appointed, and the members, being selected with reference to a particular matter, would probably be peculiarly fitted to deal with the subject.

No member of the administrative staff should be eligible as a councillor, and no person elected to the council should be capable of holding office under the city government during the term for which he was chosen.

The council chamber should have ample space for the accommodation of spectators, and all of its sittings should be public. Upon the floor provision might be made for the attendance of the chiefs of the administrative departments who, when their attendance is commanded by the council, should have the right to mingle in the discussion of matters relating to their departments, and who, when otherwise present, might be permitted to do

the same by special vote of the chamber to that effect. It is better that such opportunity for influencing the legislative body be permitted, than that the officials of the city should be compelled to resort to button-hole opportunities for representing the situation of the city's affairs to the city's representatives.

Might we not reasonably expect that a body so constituted, and exercising in itself the whole legislative power of the city, would command the respect of the people? Would not membership of such a council be acceptable to all who desired to be of service to the public? Who, that would be willing now to accept service as an alderman, councillor, or on the school committee, would hesitate to accept a position so much more influential, and in which he could address himself in argument to a body far more dignified and deliberative than the little boards of to-day or the old town meeting? Would not aspirants for political life there find profitable training for success in other fields?

For the proper execution of the orders and ordinances, one person, the mayor, should be responsible to the people and their representatives, and, because he could not be held responsible for what is beyond his control, every chief of department, whether that chief be an individual or a commission, should be appointed by the mayor — the council confirming — and should be removable for cause — the council consenting. The chief executive of the city should be entirely separate from the legislative body, not even presiding over it, and should communicate with it in writing only. It should be his duty to see that all laws are faithfully executed, and to advise the council when additional legislation is required.

The more important of the salaried subordinates in each department should be appointed by the chief of that department, with the approval of the mayor; but

temporary employees might be engaged and discharged by the authority of those chiefs alone.

If there is ever to be reform in the civil service of America it must begin nearer the people than Washington, and the first point to be aimed at must be the prohibition of arbitrary removals.

If it were possible that in some one city and under favorable auspices, an experiment could be tried of such a government as has been outlined above, there would doubtless appear points in which improvements would be possible; but it can hardly be doubted that the simplicity and popular character of such a charter would commend itself finally to the judgment of the people for whose benefit all governments are; and it may also be expected that in favor of a legislature so democratic, the state authorities would relax somewhat of their strict control, allowing to the city councils the privilege of so dividing the duties to be performed by each municipality as the peculiar circumstances of each might indicate to be desirable. The great object of government is that the right thing should be done at the proper time, and it would seem that the local government is the one which would be able to accomplish this rather than the more distant and pre-occupied officials of the Commonwealth.

The manner of municipal growth by the routine, or following the ruts into which we have fallen, is to retain the town organization intact until it is no longer possible, and then to change it abruptly for an entirely different organization.

Why may not a town grow slowly into a city, and develop itself—not hap hazard as Boston has done, but according to a gradual scale and an elastic system? Is

the tax of attendance upon frequent town meetings so great as to enforce the absence of busy men, or is the assembly so great as to verge upon a mob?—it is a simple and sensible remedy for every ten voters, or every one hundred voters to agree upon one who shall represent them, and these representatives may constitute a town council with the authority of the town meeting, and for a time nothing else need be changed.

As the growing interests of the town require and can afford more close and more professional attention, the schools may be placed under a board, the road department under a chief, and several smaller departments may be grouped under one supervisor, and all be made responsible to one authoritative mayor. As the municipality develops into a great city, departments may be divided, and their immediate supervision may be entrusted to boards of commissioners; not, as now, almost independent of the city government, but to be absolutely bound by such rules as the council may prescribe, and always subject to the official inspection of one chief executive magistrate, who is responsible for all to the council, and to his and their constituents. And perhaps at last, the council itself may be divided into two branches equal in power and in authority, but composed of members chosen from varied constituencies and districts.

No reform of municipal government in this commonwealth can be satisfactory, except one based upon the separation of executive and legislative functions; and none will be thoroughly effective which does not reduce each of those functions to be at unity in itself.

Local Government: at Home and Abroad.

BY

ROBERT P. PORTER, ESQ..

CHICAGO.

ARTICLE NO. ONE

FROM THE

PRINCETON REVIEW.

PRICE, FIVE CENTS.

THE

PRINCETON REVIEW

For JULY, 1879.

LABOR AND WAGES IN ENGLAND. **Prof. THOROLD ROGERS, LL.D., University of Oxford.**

THE AIM AND INFLUENCE OF MODERN BIBLICAL CRITICISM **Rev. Dr. E. A. WASHBURN, New York.**

NEMESIS IN THE COURT-ROOM. **FRANCIS WHARTON, LL.D., Cambridge.**

REASON, CONSCIENCE, AND AUTHORITY. **Prebendary IRONS, D.D., F.R.H.S., St. Paul's, London.**

THE ORGAN OF MIND. **Prof. DAVID FERRIER, Kings College, London.**

MUSIC AND WORSHIP. **President POTTER, Union College.**

CHRIST AND THE DOCTRINE OF IMMORTALITY. **Rev. GEORGE MATHESON, D.D., Scotland.**

LOCAL GOVERNMENT: AT HOME AND ABROAD. **ROBERT P. PORTER, Chicago.**

PHILOSOPHY AND APOLOGETICS. **Prof. CHARLES W. SHIELDS, Princeton College.**

The Review is published bimonthly, at *two dollars a year, or thirty-five cents a number*, postage paid. The proprietor respectfully solicits your subscription, and desires your influence in extending its circulation.

The object is to present, to the largest number of intelligent readers, articles entirely original, of the highest order and timeliness, from the best minds of this country and Europe, treating of the most interesting phases of thought in Theology, Philosophy, Politics, Science, Literature, and Art.

Remittances should be addressed to the

PRINCETON REVIEW,
NEW YORK.

LOCAL GOVERNMENT—AT HOME AND ABROAD.

THE true position of our own local government may be seen more clearly by comparing it with the systems of other nations. Brodrick [1] informs us that the origin of local government in England must be sought in the primitive communities of our Saxon forefathers. The German nations, as described by Cæsar and Tacitus, were nothing but associations of self-governed villages, or larger districts, occupied by separate families or clans, among whom there was not even the shadow of a common national allegiance, except for purposes of war. Such was the organization of the Saxons when they first settled in England, and continued for centuries to be the essential organization of the English people. In Scotland the most ancient form of local jurisdiction of which any trace remains was the baronial; and the power of the barons grew till it alarmed the crown which had created it. There sprung up, in the course of time, communities which engaged in manufactures and merchandise, and the crown sought in these some counterpoise to the great barons. It gave charters to these communities of the lands in their neighborhood, and made them perpetual corporations, with power to choose councils and magistrates, and with special privileges of trade. These, after a long term of abuse, grew into veritable republics, with magistrates chosen by the people, practically independent, in their office, of the crown, and their acts subject only to revision for error or illegality in the courts of law. These baronial courts continued in full vigor till the great rebellion of 1745, when their jurisdiction was so limited by Parliament that it

[1] "Local Government in England." By Hon. George C. Brodrick.

gradually decayed, and has now nearly died out. Local government in Ireland has but little distinct history from that of England ; and the local authorities may be divided into five classes—those connected with Poor Law Unions, counties, towns, and harbors, respectively, with a class of minor authorities. The county authorities include baronial presentment sessions, grand juries, governors of lunatic asylums, trustees of inland navigation, and arterial drainage authorities.

In France there are no traditions to be considered as in England and Scotland. The old system of local government was entirely altered at the end of the last century. In France the department is divided into arrondissements—the arrondissements into cantons, and the cantons into communes. The canton is only a judicial division ; but the department has its Parliament, the Conseil General, presided over by the Préfet ; the arrondissement has its Conseil d'Arrondissement, presided over by the Sous Préfet ; and the commune its Conseil Municipal, presided over by the Mayor. The number of the departments is 86 ; each of them including from two to six arrondissements, from 17 to 62 cantons, and from 72 to 904 communes. The number of inhabitants, according to the census of 1871, varies from 118,898 to 2,220,060. There are 362 arrondissements, 2865 cantons, and 35,989 communes. The commune is the administrative unit in France, and corresponds to our township. France suffers by so much being done through these municipal councils, in very much the same way as we suffer ; for there, as in the United States, the city councils are not infrequently composed of an inferior class of men. But there is no clashing of areas of taxation, as in England. Each forms part of a harmonious whole. The departmental council fixes the departmental taxes, which are divided between the arrondissements, and by them subdivided among the communes. The arrondissement settles any district taxation, and partitions it between the communes. The commune votes its own taxes for municipal objects, and collects them with the communal share of the departmental and arrondissement taxation. Complete reports of the expenditures of the communes of France are rarely published, and are only accessible for the years 1836, 1862, 1868, and 1871 :

	1836. Francs.	1862. Francs.	1868. Francs.	1871. Francs.
RECEIPTS :				
Ordinary.....	100,848,990	291,899,431	309,488,605	313,169,350
Extraordinary.....	24,461,073	149,517,559	130,178,005	226,416,910
EXPENDITURES :				
Ordinary.....	83,830,926	256,954,948	276,343,915	276,187,190
Extraordinary.....	33,962 204	193,283,419	167,518,655	244,314,970

It will be seen that the expenditures for the year 1871 aggregated 520,502,160 francs.[1] Deducting from these numbers the sums expended in consequence of the war, and the total expenditure for the year was 401,378,075 francs. The latest available statistics show that the local taxation of France is now, in round numbers, a sum exceeding 800,000,000 of francs for the whole country, including the Département de la Seine. The proportion between the various sources of income may be nearly estimated at 500,000,000 from direct taxation, 200,000,000 from indirect taxation, and 100,000,000 from tolls, duties, and miscellaneous revenues.

De Laveleye[2] has traced in the institutions which govern the provinces and communes of Belgium and Holland the double impress of the German and the Latin spirit. Whatever of autonomy they possess he thinks is owing to the free customs of the Germanic tribes who peopled the provinces of the Low Countries. Whatever of centralization they possess is due to the French conquerors of 1792, who, both under the Republic and under the Empire, took as their ideal of government a complete uniformity imposed upon every locality by the central power. Their institutions preserve to this day much of their ancient character, and on the borders of the Lake of Lucerne can be found all the features of the primitive democracy transmitted without interruption from times the most ancient.[3] But as riches accumulated in the hands of the few,

[1] This does not include the commune of the Département de la Seine. The budget of the Ville de Paris is about 200,000,000 francs a year.

[2] "The Provincial and Communal Institutions of Belgium and Holland." By M. Emile De Laveleye.

[3] This idea has been recently developed in De Laveleye's "Property, and its Primitive Forms."

democratic institutions disappeared little by little. The inhabitants having nothing in the way of common property to manage, had less reason for assembling together. They got tired of administering justice. They neglected to attend the public assemblies. In brief, communal liberties died, feudalism was established. Precisely the same evolution took place in England, where the manor absorbed the commune so that the very name has disappeared, and there remains nothing but the vestry. De Laveleye thinks nothing is more dramatic or more instructive than the picture of the progress of democracy in the great communes of the Low Countries, and nowhere can it be better studied than in the history of Liege. The conquest of popular liberties was there made in a more regular manner than elsewhere, because the sovereign authority exercised by an elective bishop was less powerful than when exercised by hereditary dynasties. The local government in Belgium and Holland has its foundation in the commune, though the communes no longer enjoy, as in the Middle Ages, the attributes of sovereignty ; but they are ruled by elective bodies which in matters of administration and police have very considerable powers.

By no means the least important reform accomplished by the present Emperor of Russia has been the entire change which was effected in local government in 1864. Mr. Ashton W. Dilke, who has resided much in Russia, and has acquired no slight personal knowledge of its people, institutions, and language, informs us that before the ukase of 1864 there existed in Russia only three popular elected assemblies with deliberative powers. Of these, one, the lowest, and at the same time the most widely spread and important of all, was the village assembly (*mir*, *mirkskaya skhodka*), which, though not materially altered, received extensive powers in 1864. The village commune (*mir*) is the unit of Russian local government. A Russian peasant lives for his commune and not for himself ; to him life as a unit is almost unintelligible. The patriarchal system, a remnant probably of the time when the Slavonic race was still a pastoral one, has been handed down untouched—nay, strengthened even by some local circumstances. The town meeting is very frequently called as the people are leav-

ing church, and always takes place in the open air in the middle of the village street. After the meeting, the crowd generally adjourn to the village tavern, once more to discuss the business which has been settled. Formalities there are none ; the credentials of voters are not looked into too closely. Nominally every head of a household is entitled to a vote. It is said that the assembly seldom comes to an actual vote on a subject. Russian peasants hardly ever decide by majorities ; but if two parties disagree in a matter, it is talked over and over again, and the meeting is adjourned. At the next meeting a compromise is generally arrived at.

The only real and living piece of self-government in Prussia is the municipal government, which had its origin in Stein's great law in 1808. Morier says of it :

> It has, after nearly 70 years of a fruitful existence, driven its roots deep into the soil and satisfactorily solved the great problem of local government, viz., the combining the administration of affairs which are partly private, partly public, in the same hands ; it has established itself as the type which all future attempts at creating self-governing institutions must follow.

This comparison, brief and imperfect as it is, shows that in England alone the Anglo-Saxon idea of freedom took permanent root. Professor Gneist, one of the most profound political writers, in his various works [1] has sketched with great skill the relations borne by the local institutions to the general institutions of the country in Germany and England. He exposes the continental error of the eighteenth century, which supposed that the secret of England's political liberty lay in her parliamentary institutions. Morier, another good authority, observed this when he said the great continental recipe for political liberty became the creation of parliamentary institutions. Fix upon a census ; divide the country into electoral districts ; elect representatives ; find some big town-hall for them to sit in, and the thing is done ; all the rest will come of itself. The Parliament will beget self-government ; self-government will beget liberty. It is this erroneous idea that Professor Gneist so effectually refuted and showed the reverse to be the case. He held that it was because the English were free in the old

[1] "Self-Government in England ;" "Communal Institutions of England ;" "The Administration of the Constitution of England."

Teutonic, positive, and concrete sense of the word *freedom*, and not in the abstract negative sense, of the word *liberté*, that England was self-governed, and that it was because they were self-governed in their local affairs that Parliament grew up, in which they were able to govern themselves in regard to imperial affairs ; in a word, that in the received continental doctrinaire view, cause and effect had been reversed.

Let us now glance briefly at the history of local government in England, from which our own system of local government had its origin, and in which as far back as the Conquest lay the hidden germ of our present political liberty. It may be traced by the light of charters and other documents still extant. London, as is well known, was chartered, though not incorporated, by the Conqueror himself. Henry I. granted its citizens the liberty of electing their own sheriff. The mayoralty of London is traced back to the beginning of Richard I.'s reign ; but it was from John that London first received the royal permission to choose a Lord Mayor annually. Other towns slowly gained their civic independence. After the reign of Richard I. and John, borough charters became numerous. Local freedom was encouraged by the Tudors, and propagated by means of new charters ; and the entire local government was placed in the hands of the Mayor and Common Council. There can be little doubt that in this diversity of municipal constitutions, franchises, customs, and sentiments, consisted one of the most potent securities for liberty. Had London been one symmetrical whole instead of being overspread with a net-work of public and private jurisdictions in the days of Magna Charta, it would have been far more submissive. Close students of the Middle Ages admit that the necessity of consulting local sentiment, and governing through local agency, made itself felt in every branch of civil administration. Louis XI. succeeded in debauching the ministers of Edward IV., but he could not debauch the members sent up to Parliament from the country ; Pepys records the same facts in the evil days of Charles II. But the local institutions that had nursed our liberties through the most trying times, could not withstand the political blight of the eighteenth century, and the decline in the old-fashioned public spirit took the very soul from municipal

life of olden times, and the Reform Parliament of 1832 opened a new order of things in Great Britain.

Brodrick mentions the curious and instructive fact that while the primitive ideal of self-government had thus become obscured, both in English counties and in English boroughs, it not only survived, but acquired a fresh vitality, in the colonies of New England. The New England "towns," which we shall presently consider, he says were nothing but a reproduction of Anglo-Saxon "townships," with a larger average area, and with better defined corporate identity. Their resident inhabitants, or "freemen," like the free suitors of the old town-moot, constituted the electoral body, which admitted new members, chose all local town-officers, such as "constables," "tithing-men," and "surveyors of highways," regulated all local taxation, and sent deputies to the "General Courts," which corresponded in most respects with county courts before the Conquest. Like the townships of Old England, the New England towns were held responsible for their own roads, bridges, and police; they were also held responsible for their own poor relief and education. Old usages and even old names were carefully preserved; there were grand juries and petty juries, militia regiments and district train bands, and even whipping-posts and stocks, as there were in England under the rule of Cromwell. The system thus evolved from the results of English experience, modified, as I shall endeavor to show, by the exigencies of a vast and new country, retains its characteristic outlines to this day in every State of the American Union. It has been truthfully remarked that the study of it may serve to show how little the working of political machinery depends on its outward form, and how much on its inward spirit.

Mr. S. A. Galpin[1] has roughly classed the minor political subdivisions of the United States for local purposes under three general types or systems, viz., the "town" system, the "county" system, and the "compromise" system. It will be necessary for our present purpose to indicate briefly the general characteristics of these types. Of the three systems mentioned

[1] "The Minor Political Divisions of the United States." By S. A. Galpin, LL.B., Hartford, Conn. Statistical Atlas of U. S.

above, the two which differ most widely from each other are the "town" system of New England and the "county" system of the South. Both of these were firmly rooted in their respective sections before the Declaration of Independence, and passed through the successive transfers of sovereignty growing out of the war of the Revolution, without any material change. Of course the county exists in the "town" States, their title being simply the result of the prominence given to the "town" in their interior political organization. So strong has been the impress of English tradition throughout the United States, that, with one exception, only the political division next below the State is known as the county. The only exception is found in Louisiana, which is divided into "parishes." But the powers these "parishes" possess are substantially the same as the counties of other States. The "town" system pure and simple prevails only in the six New England States—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The area of these States is 8348 square miles; population, 3,487,924; containing one thirtieth of the area and one eleventh of the population of the United States. In these States the "town" is the important political division of the State. It is a body corporate and politic, deriving its charter from the Legislature of the State, and generally entitled to an independent representation in the lower branch of the Legislature. It has power to elect its own officers, to manage in its own way its own roads, schools, local police, and other domestic concerns, and collects through its own officers not only its self-imposed taxes for local purposes, but also those levied by the Legislature for the support of the State, or for the support of county officers and to cover their limited expenditures. Where so much power is vested in the town, any larger subdivision of the State must necessarily have but a limited function. The county in the States above mentioned thus becomes a judicial, not a political, subdivision of the State.

The "county" system is now found in seventeen States, viz., Alabama, Arkansas, California, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, Nevada, Oregon, South Carolina, Tennessee, and Texas. These "county" States have an area of 1,243,295

square miles, with a population of 11,955,731—about two thirds of the area and more than one third of the population of all the States. Under the "county" system the conditions of the "town" system are reversed—the outward form remains the same, but the inward spirit is greatly changed. The names of the greater and lesser subdivisions of the State remain unchanged, but the powers and position of these subdivisions are in no case or degree the same. The town or township is but the skeleton of the New England town, while the county is clothed with all the political power. It derives its charter from the Legislature, and is responsible to the State authorities for its share of the taxation. A comparison of the States of Rhode Island and South Carolina will show the reader at once the radical difference between these two systems. The area of Rhode Island, as given by the General Land Office, is 1306 square miles, less than double the average area of the political unit under the county system, yet it has within its limits 36 towns and cities, each being an independent political organization, while South Carolina, with an area of 34,000 square miles, has only 31 organized counties, which are in no respect the superiors of the Rhode Island towns in political power. On the other hand, the population of the Rhode Island town averages 6038, or, excluding cities, 4000 inhabitants, the area being about 36 square miles; that of the South Carolina county 22,731 inhabitants, distributed over an average area of nearly 1100 square miles. Under these conditions of settlement, differing so widely, it is easy to understand how different are the methods of administration.

Lastly comes the system called the "compromise system," which, having its home in States lying between those already named, is itself the result of a fusion of the systems prevailing on either side of it. This third general type has been adopted in the organization of the States of the North-west, and now prevails in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin. These fourteen States contain 672,824 square miles, and 22,671,986 inhabitants, their area being about one third of that of the States of the Union, their population nearly two thirds. In this system the political power, which in New England is lodged with the

town, and at the South with the *county*, is divided between the two organizations. The county is the creation of the Legislature, and is the political unit. It is, however, subdivided into towns or townships, which possess considerable political rights, and thus becomes a miniature of a State as subdivided for local purposes into its counties. The townships are laid out by the county officers,[1] and have power to elect their own officers, to lay and repair their highways, to determine in township meeting the amount of taxes to be raised for school and other local purposes, and submit an estimate of the same to the county authorities for approval, and, in general, to act upon all local matters in much the same way as the New England town, subject, however, to the *supervisory* of the county. The tabulated statement below is compiled from official sources, and shows at a glance the various systems of local government in the United States.

TABLE SHOWING THE NUMBER AND AVERAGE AREA OF THE TOWNS, TOWNSHIPS, OR OTHER POLITICAL DIVISIONS OF THE COUNTIES OF THE UNITED STATES, SO FAR AS THE SAME CAN BE ASCERTAINED FROM THE RETURNS OF THE NINTH CENSUS, TOGETHER WITH THEIR AVERAGE POPULATION.

THE "TOWN" SYSTEM.	Total Number.	Average Area.	Average Population.
Connecticut..	164	29	3,277
Maine (1) (2)..	412	36	1,552
Massachus'tts	338	23	4,318
New Hampshire (2)....	231	39	1,378
Rhode Island.	36	36	6,038
Vermont (2)..	243	42	1,360
The system.	1,424	34	2,450
THE "COUNTY" SYSTEM.			
Arkansas....	659	79	735
Delaware....	31	68	3,139
Georgia (3)...	1,122	52	1,055
Kentucky....	845	45	1,563
Louisiana (4).	444	93	1,637
Maryland....	193	52	4,046
Mississippi...	325	145	2,547
Missouri (5)..	940	70	1,831
South Carolina (6).....	415	82	1,700

THE "COUNTY" SYSTEM.	Total Number.	Average Area.	Average Population.
Tennessee....	1,282	36	982
Texas.....	705	226	1,161
The system.	6,961	79	1,301
THE "COMPROMISE" SYSTEM.			
Illinois (7)....	1,545	36	1,644
Indiana.....	993	34	1,693
Iowa (8).....	1,187	45	1,006
Kansas (9)....	353	104	1,032
Min'sota (10).	662	79	664
New Jersey..	228	37	3,974
New York...	942	50	4,653
N. Carolina..	809	63	1,324
Ohio.....	1,357	29	1,964
Pennsylvania.	1,452	32	2,426
Virginia (8)...	435	88	2,817
WestVirginia.	313	73	1,412
Wisconsin....	780	69	1,352
The system.	11,915	59	1,923

[1] We note one exception, New Jersey, the Legislature reserving this right in that State.

RECAPITULATION.

	Total Number.	Average Area.	Average Population.
The "Town" System..... ...	1,424	34	2,450
The "County" System.....	6,961	79	1,301
The "Compromise" System.....	11,915	59	1,923
	20,300	69	1,695

(1) The average area is estimated. (2) Only *organized* towns included in computations. (3) Militia districts of twenty counties estimated. (4) Wards of four parishes estimated. (5) Townships of one county estimated. (6) Townships of three counties estimated. Since 1870 all townships in this State have been abolished. (7) Townships of the twenty-six unorganized counties estimated from the returns of precincts or land survey townships of those counties. (8) Townships of two counties estimated. (9) Townships of twelve counties estimated. (10) Townships of nineteen counties estimated.

In attempting to examine the badly-kept accounts of upwards of 20,000 minor political divisions of a vast country, one is met with many and serious difficulties. We cannot expect to find the uniform order and method which prevails in France, alike in all the municipal budgets, from the largest town to the humblest commune. The Americans, as De Tocqueville has shown, can be very justly reproached for the sort of confusion which exists in the accounts of the expenditure in the townships and cities. Another writer of talent, in the comparison which he has drawn between the finances of France and those of the United States, says, "When I see the communes of France, with their excellent system of accounts, plunged in the grossest ignorance of their true interests, and abandoned to so incorrigible an apathy that they seem to vegetate rather than to live; when, on the other hand, I observe the activity, the information, and the spirit of enterprise which keeps society in perpetual labor in those American townships whose budgets are drawn up with small method and with still less uniformity, I am struck by the spectacle; for to my mind the end of a good government is to ensure the welfare of a people, and not to establish order and regularity in the midst of its misery and its distress." It will be well to bear in mind these words in this attempt to unravel some of the evidences of local misgovernment in the United States. It is my present purpose, now that the reader has been made acquainted with some

of the difficulties attending such an investigation, to first call attention to the debts of the cities and counties of the United States—those mortgages of property that weigh so heavily upon taxpayers. It may be useful to consider their rise and progress in the cities where they exist, and their pressure upon the populations ; to compare their relative amounts ; and to add up, when correct figures can be obtained, their vast totals ; so that we may form some idea of the aggregate burden as well as of their separate effect on the cities that are bowed down under the double yoke of debt and taxation. The census reports afford very little assistance in ascertaining the real local indebtedness of the United States. In 1870 the total indebtedness of the United States is given as follows : State debts, $352,866,698 ; county debts, $187,555,540 ; town and city debts, $328,244,520 ; total, $868,676,758. Leaving out the State debts, there remains $515,810,060, which is put down in 1870 as the total county, town, and city debt of the country. Feeling satisfied, in 1876, that local indebtedness and taxation had augmented out of all proportion to the other two elements—value of property and population—with regard to which it should maintain a certain relation, I instituted an inquiry, with a view of finding out the facts. Letters were sent to the comptrollers of one hundred and fifty of the principal cities of the United States, selected not only for their size and importance, but to geographically represent the entire country. The facts sought after were the amount of the debt, the assessed valuation, annual taxation, and population in 1866 and 1876. One hundred and thirty responded, and from these answers a tabulated statement was compiled, which, as far as it went, formed at that time the most recent statistics of the kind attainable. The aggregate footings of the four elements of debt, valuation, taxation, and population, in the hundred and thirty cities which reported, are as follows :

	1876.	1866.
Municipal debt of 130 cities	$644,378,663	$221,312,009
Assessed value of property of same	$6,175,082,158	$3,451,619,381
Annual taxation of same	$112,711,275	$64,060,098
Population of same	8,576,249	5,919,914

The aggregate municipal indebtedness of these cities, as will be seen, was in 1876 over ten per cent of the assessed value of property, whereas in 1866 it was only six per cent, showing an increase of indebtedness of four per cent of the valuation of property. It will also be seen that debt increased upward of $420,000,000 in the decennial period ending 1876, a yearly increase of $42,000,000. The percentage of increase is about as follows: Debt, 200 per cent; taxation, 83 per cent; valuation, 75 per cent; and population only 33 per cent. Population and valuation of property have by no means kept pace with debt. Another fact brought out by this investigation was that if the census report of 1870, giving $515,810,060 as the total local debt of the United States, was correct, then the increase from that year to the close of 1876 must have been enormous, for incontrovertible figures showed that the municipal debt of one hundred and thirty cities, representing a population of only 8,576,249, exceeded by $128,568,603 the county, town, and city indebtedness of the entire country in 1870; or, still more appalling, that in six years the indebtedness of these cities had exceeded by $316,134,143 the bonded and floating indebtedness of all the towns and cities in the United States. I pondered over these figures some time before I ventured to make them public. There could be no mistake about the calculation, as the debt of 1876 came direct from the financial department of the respective cities, and the long column of figures were added up and fully verified. In 1875 and 1876 there was a very general halt in the reckless extravagance in municipal affairs. The New York commission appointed by Governor Tilden to devise a plan for the government of cities published their report; and though but little heed was taken of it, the mere publication of the startling facts was not without its effect. Pennsylvania followed, and though the commission appointed by this State did not even take the trouble to collate statistics of its local indebtedness, the report served to call public attention to the threatening danger. Among the good results of this very general discussion of the subject of the growth of local indebtedness was the passage, by several States, of bills compelling the county, township, or city officers to make out annually, and forward to the State Auditor, a

report of the outstanding indebtedness. One or two States had deemed it of sufficient importance to collect these statistics before the general agitation of municipal reform which followed the overthrow of Tweed in New York, but in all other States no complete record had ever been kept. The advantages of these new laws are now beginning to be understood, and from the different auditors' reports of 1879 I have succeeded in obtaining a complete report of the existing local indebtedness (with one exception), at the close of the year 1878, of eleven States of the Union :

TABLE SHOWING THE AGGREGATE LOCAL DEBT OF ELEVEN STATES IN 1870 AND IN 1878.

STATE.	Total Local Debt, 1878.	Total Local Debt, 1870.[1]
New York (1)	$244,079,859	$127,399,090
Massachusetts (2)	89,601,156	40,940,657
Illinois (3)	51,811,691	37,300,932
Ohio (4)	41,205,840	12,509,910
Wisconsin (5)	9,931,158	3,651,475
Minnesota (6)	5,272,230	2,436,795
Kansas (7)	13,473,197	4,843,976
Missouri (8)	35,343,155	29,043,865
Connecticut (9)	17,151,327	9,813,006
Georgia (10)	26,130,351	15,209,212
Rhode Island (11)	12,289,564	3,025,142
Total	$546,289,528	$286,179,060

Debt, then, in these eleven States has almost doubled, but the following table shows that the value of property has increased at no such ratio :

[1] The figures in this column have been obtained by adding together the reports of the county, town, and city debts, as given in the census of 1870. It includes floating and bonded debt. (1) New York makes no return of local indebtedness, so the figures were taken from the census report of 1875, and are undoubtedly correct. (2) Tax Commissioners' Report, January, 1879, p. 161. (3) Auditor's Report for 1878, p. 223. (4) Auditor's Report, 1878, p. 12. (5) Secretary State's Report for 1878, p. 146. (6) Auditor's Report, 1878, p. 137. (7) Auditor's Report for 1878, p. 253. (8) The returns of county, township, and city indebtedness of Missouri may be found in the Missouri State Almanac for 1878, p. 73. The figures as given were not even footed up, a work I performed myself. (9) Comptroller's Report for 1878, p. 25. (10) Comptroller's Report for 1878, p. 22. (11) Rhode Island Manual for 1878, p. 191.

State.	Total Assessed Valuation of Property, 1878.[1]	Total Assessed Value of Property, 1870.[2]
New York	$2,755,740,318	$1,967,001,185
Massachusetts	1,568,988,210	1,591,983,112
Illinois	1,201,123,110	482,899,515
Ohio	1,574,645,765	1,167,731,697
Wisconsin	423,596,290	333,209,838
Minnesota	220,930,629	84,135,332
Kansas	137,826,643	92,125,861
Missouri	614,726,225	556,129,969
Connecticut	344,406,977	425,433,237
Georgia	235,659,530	227,219,519
Rhode Island	256,052,818	244,278,854
Total	$9,333,696,515	$7,172,148,179

The above statement indicates a better condition of affairs than did the investigation into the financial condition of the hundred and thirty cities. One advantage in the latter investigation is that reliance can be placed in the figures—especially those for 1878. Debt has increased almost a hundred per cent in the eight years, while the assessed valuation of property has only risen from seven to nine billions. In some States the assessed valuation has actually decreased—as, for instance, Massachusetts and Connecticut. In the former the local debt has doubled, in the latter it has gone from nine to seventeen millions. A comparison of the aggregate debts of the hundred and thirty cities exclusively with the returns of the total local indebtedness of the eleven States brings fully to view the fact that the danger lies exclusively in the city and not in the county and township debts. The debts of the hundred and thirty cities jumped from $221,312,009, in 1866, to $644,378,663, in 1876. On the other hand, by adding in county and township debts the increase is from $286,179,060 to $548,789,528—the one at a rate of 200 per cent, the other at less than 100 per cent. In short, the bulk of the debts are municipal. The debt of twenty cities in Pennsylvania, a State that gives no complete returns, aggregates $87,329,180; nine cities in New Jersey, $36,502,722; two cities in Maryland, $34,000,000; five cities in Louisiana, $20,000,000, and five cities in Kentucky,

[1] The assessed valuation of these States for 1878 has been taken from the last report of the State Auditors of the respective States.

[2] From United States census of 1870.

$12,000,000. But when to these great debts are added the township and the county debts, the average per capita to the population is brought down, and the grand aggregate, though serious enough, loses some of its startling characteristics. I have made a careful estimate of the total local indebtedness of the United States, based on the returns received by the State Auditors, and such returns as I have been able to obtain, myself, from States where no regular reports are made. According to this calculation the total local debt of the country at the close of the year 1878 was $1,051,106,112, exclusive of the debts of Territories. If this calculation be approximately correct it will be seen that the eleven States given in the table on page 185, representing a population of about 16,500,000, owe the largest proportion of the local debt. In eight years the debt has increased about half a billion dollars, while, as has been shown, in some States the assessed valuation of property has decreased. The imperfect and variable revenue laws may have much to do with the latter result, but the same may be said of the reports of 1870, so it is fair to make the comparison. Added to this it has been given out at Washington, in a semi-official manner, by those presumably well informed in such matters, that the next Federal census will reveal a condition of things not flattering to our national vanity. Statements based upon the most recent returns of the assessed valuation of the different States have been printed in the leading newspapers of the country, showing an actual decrease in the aggregate wealth of the United States during the last decade. Of course these are but estimates, and the figures showing the total assessed value of property of eleven States, on page 186, do not warrant such statements, still it is more than probable that the total increase in the real value of property will be small when compared with that of 1860–70. The wiping out of millions of worthless bonds, the decline in stocks, and the enormous shrinkage in real property will have a decided tendency to lower the value of property in 1880.

Of the separate effect of these debts so much has been said and written that it seems hardly necessary to more than allude in passing to one of the most recent and painful illustrations of the evils arising from the rapid growth of municipal debt. The

shocking condition of affairs in some of the cities of New Jersey formed the chief topic in the last annual message of the Governor of that State. The following tabulated statements obtained from official sources, and which may be regarded as authentic, will show at a glance that repudiation or bankruptcy alone can save the property of the tax-payers of those unfortunate cities from confiscation :

	Total Debt.	Population. Census, 1875.	Debt per Capita.	Expense per Capita.
Paterson	$1,374,000	38,814	$35 39	$8 36
Newark	8,824,455	123,310	71 56	8 64
Jersey City	14,217,435	109,227	130 16	16 78
Hoboken	1,110,065	24,766	44 82	5 77
Rahway	1,690,000	6,947	243 27	23 36
Elizabeth	5,808,500	25,923	224 06	14 89
Trenton	879,567	25,031	35 13	5 99
Camden	1,130,200	33,852	33 38	6 24
New Brunswick	1,468,500	16,660	88 14	10 17
	$36,502,722	404,530		

The annual amount of interest paid by these nine cities on their debt amounts to $2,138,856, while the total annual expenses for carrying on the local government only amounts to $2,307,368, or $166,512 more than the interest on the debt. The tremendous burden under which the tax-payers of these nine cities are bowed down can more fully be understood by a glance at the following table, which I have compiled from the abstract of ratables reported in 1878, and which shows the assessed value of the property side by side with the debt :

	Total Tax Rate.	Amount Property Taxable.	Debt.
Newark	$19 80	$84,704,000	$8,824,455
Paterson	22 50	19,150,861	1,374,000
Jersey City	23 60	60,404,281	14,217,435
Hoboken	18 57	15,278,573	1,110,065
Rahway	29 61	3,093,275	1,690,000
Elizabeth	35 60	13,579,650	5,808,500
Trenton	15 00	14,503,252	879,567
Camden	23 00	11,773,815	1,130,200
New Brunswick	29 00	5,658,000	1,468,500
		$228,145,707	$36,502,722

The town of Rahway, a town of 6500 population, and with property assessed at $3,093,275, has a debt of $1,690,000, or of $243.27 per capita of its inhabitants, and which exceeds, by thousands of dollars, half the assessed value of all the property within the city. The value of the property in Elizabeth is $13,579,650, and its debt almost $6,000,000, or very nearly half the value of its property. There are many other cities in this country struggling under burdens almost as heavy for the tax-payers to sustain as those given above. It is not the intention of this article to continue further the examination of the separate effect of these debts, but rather to ascertain, if possible, what has been done and what can yet be done to lighten the taxation which with the present imperfect revenue systems often falls heaviest in the poorest localities and lightest in the richest.

Before venturing to suggest a remedy for this condition of affairs, it may be well to pass in brief review the propositions made by the distinguished commissions of New York and Pennsylvania, whose elaborate investigations in this direction were mentioned at the beginning of the article. The New York commission says the only remedy is that every city should have a responsible executive head elected by the people—heads of the department answerable to him, and removable for cause. Debt must be regulated by those who have to pay the taxes. A board of finance, elected by tax-payers and rent-payers, to have full control, jointly with the Mayor, of the financial affairs of the city. Property holders to have something to say about improvements chargeable to their estates. The Legislature of any State to be deprived of the power to impose burdens upon the tax-payers of cities for purely local affairs, and above all that local affairs be separated as far as possible from State and national politics. In these changes, and in nothing short of them, could Mr. Evarts and his eminent associates see anything like a rational and business-like management of the affairs of our large cities.[1]

But the equally eminent gentlemen who composed the Penn-

[1] Report of the Commission to Devise a Plan for the Government of Cities in the State of New York, 1877.

sylvania commission[1] differed with the New York commission in regard to the property qualification for electors. The Pennsylvania commission say this proposition attracted their careful attention ; and while they were prepared to admit the force of many of the arguments in its favor, and that, perhaps, in a city like New York it might prove effective, yet they were forced to the conclusion that in Pennsylvania no important results could be expected from requiring such a qualification. The proposition of the New York commission has been fully discussed by the press of the country, and has a great many advocates ; on the other hand, the limited number printed of the Pennsylvania report has almost entirely cut off the discussion that such an elaborate investigation deserved. The commission show that the city of Philadelphia contained in August, 1876, 143,936 dwellings. It is estimated that 5000 have been built since that time, so that, in round numbers, Philadelphia now contains 150,000 dwellings. The number of votes cast at the last municipal election was 127,520, and it is not claimed that the city contains more than 135,000 voters. It will thus be seen that the great bulk of voters are either owners of houses or tenants paying rent. Hundreds of blocks of comfortable houses, renting from $12.50 to $20 per month, are scattered throughout the city. These are mainly occupied by the intelligent class of mechanics and operatives in manufacturing and other establishments. The provision recommended by the New York commission, requiring the payment of an annual rental of $250 as a qualification for voting, would, if adopted in Pennsylvania, exclude this large and reputable class of citizens, while it would not exclude the tenants of low grog-shops and other disreputable establishments, who, in most cases, pay a higher rent. This is not the only point on which the Pennsylvania commission disagrees with that of New York. From a careful investigation they are led to believe that the undue accumulation of debt in most of the cities of the State of Pennsylvania has been the result of a desire for speculation on the part of owners of property themselves. Large tracts of land outside

[1] Report of the Commission to Devise a Plan for the Government of Cities in the State of Pennsylvania, 1878.

the built-up portions of the cities have been purchased, combinations made by men of wealth, and councils besieged until they have been driven into making appropriations to open and improve streets and avenues, largely in advance of the real necessities of the city. In many of these cases, the commission truthfully remarks, owners of property need more protection against themselves than against the non-property-holding class. It is due the municipal authorities that in some cases the largest debts have been contracted, not by their authority, but under the provisions of special acts of Assembly, appointing commissioners to open streets, park commissions, building commissions, and so on. It is plain, therefore, that an adequate protection against municipal debt cannot be found in a property or rental qualification. In the opinion of the Pennsylvania commission nothing short of absolutely forbidding cities to borrow money can effect any permanent good in this direction. They also proposed an elaborate scheme for divorcing the city councils from all executive functions, believing the great vice of the present system is the practical consolidation of legislative and executive powers in committees of city councils.

While New York and Pennsylvania have been adding to the literature on the evils of municipal debts, Massachusetts has set about their payment in a manner that will show a material reduction in the aggregate burden another year. From a comparison of the tables in the Tax Commissioner's report for 1879 it appears that 203 towns have diminished their net debt during the year 1878, and only sixty-five towns have increased it, and twenty have neither increased nor diminished. Sixty-three towns have no debt this year, against fifty-four which were in a like situation last year.

The idea is constantly gaining ground that at least a partial remedy for the evil of local indebtedness may be sought for and obtained in constitutional limitations. In view of this nearly all the recent State constitutions have inserted clauses looking to the limitation of local debts. New York, by the amendment of 1874, prohibits the loan of the credit of the State absolutely. The power to contract debt is limited : (*a*) to meeting casual deficiencies in the revenue, not to exceed at one time $1,000,000 ; (*b*) to meeting the contingencies of war ; (*c*) "to some

single work or object" authorized by law and distinctly specified, in which case the proper tax shall be levied to pay the debt within eighteen years, provided that such law, on its final passage, be voted upon by the popular vote, when no other proposition of law or of the constitution is pending popular action. Subdivisions of the State are forbidden to appropriate money, incur indebtedness, or lend their credit in favor of any individual, association, or corporation, except to provide for the poor according to the general law. Pennsylvania, in like manner, limits the State debt for casual purposes to $1,000,000, and does not admit other purposes for which debt can be contracted at all, except those of war and to pay existing debt. The State or municipal credit cannot be loaned for any purpose ; the debt of municipal subdivisions shall never exceed seven per cent of the valuation ; new debt of the amount of two per cent shall not be incurred without a popular vote. The State shall not assume municipal debts, but their payments shall be provided for by municipal taxation. Ohio, West Virginia, Indiana, Michigan, Missouri, Minnesota, Nevada, Alabama, Florida, Arkansas, Georgia, Mississippi, and Texas all strictly limit the borrowing power of the State, without even a recourse to the popular sanction for an increase ; the same States prohibit the loan of municipal credit. In Mississippi and Nebraska the power of the municipality to contract debt is based upon the popular vote. In New Hampshire the power of the municipality is restricted. Colorado, Illinois, New Jersey, and North Carolina all limit the State debt and have strict prohibitions upon municipalities. California makes it the duty of the Legislature to limit municipal indebtedness.

Reading over the annual messages of thirty-eight governors produces a curious effect on the mind. Though alike in form and arrangement, the views are as varied as the colors of the covers. Though as a whole monotonous, here and there may be found a scrap of wisdom, and now and then a fact of deep interest. One prominent feature in all these messages is the apparent lack of intercourse between the executives of the different States. Some governors recommend laws and measures that have been tried and proved utter failures in sister States. Many of the messages contain paragraphs, and in some pages

are devoted to the subject of local reform, but there cannot be found in one a decided proposition looking toward a remedy of the evil so bitterly complained of. It is pleasing, however, to observe that several governors recommend that measures be immediately taken to ascertain the amount of the local debt of their respective States. Some governors take a gloomy view of the future of American local government. For example, the Governor of Pennsylvania says: "It is apparent to all that, under the present system, the bankruptcy of our larger cities is only a question of time." In this gloomy pre-eminence Pennsylvania is not alone. One day later Governor Robinson, of New York, said: "The people of this State have played with debt, and courted taxation, as if for pastime. Many towns almost buried themselves with bonds, issued for railroads which have never been built, and covered their farms with mortgages for which they have received no consideration. Now that the illusion is gone, they are deploring the misfortunes in which it has involved them. Some of them are even hinting at the dishonor of repudiation." Governor McClellan, of New Jersey, in speaking of the municipal problem in that State, says: "In some of our cities the problem is very serious and difficult of solution, and demands the utmost wisdom, so heavy is the burden of debt, so grievous the taxation." After calling attention to the local debt of Illinois, Governor Cullom says that about 30 per cent of the $51,000,000 of local debt of that State represents the railroad aid debt of the municipalities of the State. The constitution of the State now forbids all counties, cities, or other municipalities from making subscriptions to capital stocks or donations in aid of any railroad or private corporation, and further forbids the incurring of any indebtedness to an amount, including existing indebtedness, in the aggregate exceeding five per cent on the value of the taxable property therein. "These," the Governor says, "are wise and fortunate provisions, and under them the municipal debt of the State is now decreasing, and will for some years continue to decrease." Governors Croswell, of Michigan, and Williams, of Indiana, show the absolute need of at once taking steps to ascertain the local indebtedness of those States. Governor Gear, of Iowa, says that it is "a cause of general complaint by the tax-payers of our

cities that their municipal affairs are so loosely conducted, without due regard to their interest." He also suggests that a commission be appointed to report to the next General Assembly "the propriety of placing the cities and towns of the State under some more simple, uniform, and economical system of municipal government than we now have."

Year by year the question of reform in local government is augmented in importance. Already the demand for laborers in this field has met with a response from earnest and able men, in all parts of the country. How they differ from each other in their methods has been shown. Secretary Evarts, in New York, proposing to stop the flood-gates of corruption by a property qualification; the Pennsylvania commission by divorcing the legislative and executive powers of the cities; Governor Cullom, in Illinois, by constitutional amendments; Francis Parkman pointing out the failure of universal suffrage, and W. R. Martin showing the importance of cities as units in our polity, are all laborers toiling in the same vineyard. Each has his especial medicine for the malady, but the trouble is no *one* prescription will effect a cure. It needs time. It needs patience; and, above all, the working out of natural laws. New experiments and tinkering only aggravate the disease. Instead of looking for new schemes in the future, the proper way is to look back into the past—back, if need be, to where we started, into the primitive communities of our Saxon forefathers; back to the time of Tacitus and Cæsar; back to the time when communal liberty died and feudalism was established in Holland; back to the days of Anglo-Saxon liberty in England, before the dull thud of the "poor law" sounded the death knell of pure local government. It is by looking back into the past that a remedy can be found. The Anglo-Saxon idea of freedom, after preserving our liberties through centuries of darkness and despotism, acquired fresh vitality in the colonies of New England. To these little republics, Jefferson says, we owe the vigor given to our Revolution. It is this pure *self-government* we want now. The self-government of to-day hates trouble and loves self-indulgence—hence the deplorable condition of our cities. Self-government, it has been well observed, is a hard task-master. It expects every man to do his duty, not

optionally but as a public obligation. Have those who complain bitterly of high taxes and mismanagement done their duty? They have paid their taxes. Yes! What else? Folded their arms and done nothing. Without disparaging the efforts of the distinguished gentlemen who have expended so much thought on this question of reform in local government, it is my belief that it can never be thorough until our citizens return to their former simplicity. Let general orders be given out for *reform* in every one of the twenty thousand townships in the land, as to the sergeant of an army, and soon the whole nation will be thrown into energetic action in the same direction. Then, and not till then, the force becomes absolutely irresistible, and we are on the right road to true and lasting Reform.

ROBERT P. PORTER.

The following articles are published from the office of the PRINCETON REVIEW, 37 Park Row, New York, and can be obtained from all Booksellers and Newsdealers at Five Cents each:

1. LOCAL GOVERNMENT: AT HOME AND ABROAD, JULY, '79.
   ROBERT P. PORTER, Esq., Chicago.

2. THE PULPIT AND POPULAR SKEPTICISM, . . MAR., '79.
   Rev. PHILLIPS BROOKS, D.D., Boston.

3. THE RIGHTS AND DUTIES OF SCIENCE, . . . NOV., '78.
   Principal DAWSON, F.R.S., D.C.L., McGill University, Montreal.

4. FORCE, LAW, AND DESIGN, ... MAY, '79.
   President PORTER, D.D., LL.D., Yale College.

5. AMERICAN ART: ITS PROGRESS AND PROSPECTS, MAY, '78.
   JOHN F. WEIR, N.A., School of Fine Arts, Yale College.

6. FINAL CAUSE: M. JANET AND PROF. NEWCOMB, . MAR., '79.
   President McCOSH, D.D., LL.D., Princeton College.

7. ENGLAND AND HER COLONIES, ... MAY, '78.
   JAMES ANTHONY FROUDE, D.C.L., London.

8. CLASSICS AND COLLEGES, ... JULY, '78.
   Prof. B. L. GILDERSLEEVE, LL.D., Johns Hopkins University.

9. THE ANGLO-CATHOLIC MOVEMENT, ... SEPT., '78.
   The Right Rev. the LORD BISHOP OF GLOUCESTER AND BRISTOL.

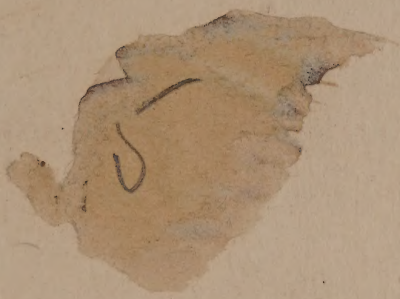
10. MAN'S PLACE IN NATURE, ... NOV., '78.
    Prof. JOSEPH LE CONTE, LL.D., University of California.

11. THE AIM OF POETRY, ... SEPT., '78.
    Principal SHAIRP, D.C.L., University of St. Andrews.

12. THE IDEA OF CAUSE, ... MAY, '79.
    Prof. FRANCIS BOWEN, Harvard College.

13. MUSIC AND WORSHIP, ... JULY, '79.
    President POTTER, D.D., LL.D., Union College.

14. NATIONAL MORALITY, ... NOV., '78.
    EDWARD A. FREEMAN, D.C.L., LL.D., England.

15. THE EUROPEAN EQUILIBRIUM, ... NOV., '78.
    THEODORE D. WOOLSEY, D.D., LL.D., Ex-President of Yale College.

DEC 31 1936